THIS BOOK
MUST NOT BE REMOVED
FROM THE LIBRARY

UNIVERSITY OF LONDON LIBRARY

REFERENCE ONLY

Parl. Papers

PARL. PAPERS
FOR REFERENCE ONLY.

GURNEY
WOODSTOCK ST. W.

University of London

Presented by
the Worshipful Company
of Goldsmiths.
1903.

619917

REFERENCE ONLY

HANSARD'S

PARLIAMENTARY

DEBATES:

Third Series;

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

4° VICTORIÆ, 1841.

VOL. LVII.

COMPRISING THE PERIOD FROM

THE EIGHTH DAY OF MARCH,

TO

THE SIXTH DAY OF MAY, 1841.

Second Volume of the Sessio.

LONDON:

THOMAS CURSON HANSARD, PATERNOSTER ROW;
LONGMAN AND CO.; C. DOLMAN; J. RODWELL; J. BOOTH; HATCHARD AND SON; J. RIDGWAY; CALKIN AND BUDD; R. H. EVANS; J. BIGG AND SON; J. BAIN; J. M. RICHARDSON; P. RICHARDSON; ALLEN AND CO.; R. BALDWIN; AND CRADOCK AND CO.

1841.

TABLE OF CONTENTS

TO

VOLUME LVII.

THIRD SERIES.

I. Subjects of Debate in the House of Lords.
II. Subjects of Debate in the House of Commons.
III. Lists of Divisions.
IV. Queen's Speech.

I. Subjects of Debate in the House of Lords.

Page

March 8. The United States—Mr. M'Leod—Question ... 1
Poor-Laws (Ireland)—Clonmell Union—Motion for Returns 3

9. Church of Scotland--Mr. Candlish—Question 65

11. Poor-Law Records (Ireland)—Motion for Returns—Arrangements for an Inquiry at the Bar 105
St. Sulpice—Motion for further Returns 106
Church of Scotland—Petition 109

12. Mr. Kerr—(Petition) 138
Canada—St. Sulpice—Papers laid on the Table ... 139
Poor-Law Commissioners (Ireland)—The Clonmell Case—Motion for the Attendance of Witnesses 141
Canada—St. Sulpice—Motion for an Address to the Crown to withhold its Assent from an Ordinance 194

16. Tithe Composition (Ireland)—Third Reading of the Bill—Debate on further Proceedings adjourned 289
Poor-Law (Ireland)—Clonmel Union—Witnesses examined at the Bar 290

1841 Page.

March 18. Poor-Law (Ireland)—Clonmel Union—Explanation—Witnesses further examined 334

19. Newfoundland Petition 391
Poor-Law (Ireland)—Clonmel Union—Witnesses furtherexamined 394

22. The Rev. Mr. Candlish 451
Poor-Laws (Ireland)—Clonmell Union—Correspondence—Further Examination of Witnesses 452

23. East-India Rum—Bill Read a Second Time 512

26. Christians in Syria—Petition—Question 608
Commercial Treaty with France—Question 609
East-India Rum—Committee on the Bill 610
Poor-Law (Ireland)—Clonmel Union—Witnesses further examined 610

29. The Earl of Waldegrave's Case—Explanation of Lord Denman 651
Poor-Law (Ireland)—Clonmel Union—Evidence further taken 657

April 1. Drainage of Towns—Report of Select Committee ... 768
Poor-Law (Ireland)—Clonmel Union—Witnesses again ex-examined 769

2. Drainage of Towns—Bill committed 806

Buildings Regulations—Bill committed 806
Poor-Law (Ireland)—Motion for Papers 806

5. Church of Scotland—Petitions 842
Crimes (Ireland)—Motion for Papers 849

6. Crimes (Ireland)—Motion for Papers 933

22. Crimes (Ireland)—Explanation 963
Birmingham Riots—Petition 969

23. Canal Traffic on Sundays...Petition 1018
Drainage of Towns—Bill committed *pro formâ* ... 1018
Church of Scotland—Petition 1020
Duchy of Cornwall—Question 1021
Solicitor to the Home Office—Question 1021

26. The Duchy of Cornwall—Answer and Explanation ... 1063
Metropolitan Improvement—Second Reading of a Bill ... 1066
Sunday Traffic on Canals—Committee appointed to inquire into Sunday Traffic 1069

27. The Earl of Rosse—Catholic Priests—Complaint ... 1137
Mr. Biddulph—Explanation 1138
West-India Mails—Petition—Removal of the Station from Falmouth to Dartmouth 1147
Drainage of Towns—Measure postponed 1152

29. China—Petition 1243
Poor-Laws (Ireland)—Notice 1244
Mr. Candlish—Professorship in Edinburgh—Question ... 1245
State of the Country—Petitions 1248
Poor-Law Petitions—Notice 1252

30. Drainage of Towns—Further Consideration of the Report 1290
Building Regulations—Report 1293

1841. Page
Borough Improvements—Report 1293
Australia—Committee on the Bill 1294

May 3. The Corn Laws.—Petitions—The proposed Ministerial Alterations—Alleged Inconsistency of the First Lord of the Treasury 1372
The Scotch Church—Petition—Case of the Suspended Ministers of Strathbogie—Motion for Papers .. 1377
Poor-Law Commission (Ireland)—Clonmel Union—Resolutions 1392

4. Drainage of Towns—Bill Read a Third Time and passed with Amendments 1447
Borough Improvements—Bill Passed 1451

6. Corn-Laws—Notice 1474
Court of Chancery—Question 1477
Church of Scotland—First Reading of the Duke of Argyle's Bill 1478

II. SUBJECTS OF DEBATE IN THE HOUSE OF COMMONS.

March 8. Railway Bill—Question—Select Committee 8
Poor-Law—Commission—Proposed Alterations in the Bill to continue the Commission, and Amend the Poor-Law 9
Lord Kean's Annuity—Third Reading of the Bill.—Division Lists, &c.—Sir Francis Head 11
Supply—Yeomanry—Question 14
Supply—The Earl of Cardigan—Canada—Catholic Soldiers Desultory Discussion 16
Army Estimates—Yeomanry—Division—Lists 34
Ordnance Estimates—Usual Votes 35
Poor Law Commission—*Pro formâ* Committee on the Bill 43
Copyright of Designs—Committee 46
Amendment of the Criminal Law—Leave given to bring in a Bill to amend the Criminal Law 47

9. Severn Navigation—Motion to refer the Bill to a Select Committee—Division—Lists, &c. 72
Leave of Absence—Barristers—Motions to grant a Member Leave of Absence 75
Dartmouth Harbour—Question 77
Case of Mr. J. Reeves—Motion for a Committee ... 77
Putative Fathers—Leave to bring in a Bill 82

10. Absence of Members on Leave—Explanation 84
Postage of Petitions—Question 84
Jews Diclaration—Second Reading of the Jews' Declaration Bill—Division—Lists, &c. 84
County Coroners—Second Reading of a Bill 100
Supply—Report 103
Evidence—Bill Read a Second Time 104

11. Severn Navigation—Report from the Committee of Selection 110
Deposits on Shares—Motion to print the Evidence taken before the Stafford and Rugby Railway Committee ... 112
Registration of Voters (Ireland)—Second Reading of the Bill fixed for April 28th 113

1841. Page.

Education of the Working Classes—Motion for a Committee to consider of an Address to her Majesty ... 114
Emigration into the Colonies—Motion for a Committee to inquire into the best Mode of supplying the Colonies with Labourers—House counted out 134

March 12. Christians in Syria—Question 142
Turkey and Egypt—Question—Succession of Mehemet Ali 144
Poor-Law Ireland—Question—Queen's County ... 147
Criminal Law—Bill to be put off till after Easte ... 147
Colonial Duties—Committee of the whole House on the Colonial Customs Duties—Resolutions to reduce the Tariff proposed 148
East-India Rum—Committee on the Bill 167
County Courts—Second Reading of the Bill 172

15. The Green Park—Question 242
South Australian Acts—Resolutions moved in Committee and withdrawn 243
Supply—Report—Expense of the Expedition to Syria ... 282
East-India Rum—Report on the Bill 285
Registration of Voters (Scotland)—Bill Read a Second Time 286
Drainage of Lands—Bill Read a Second Time—Division, Lists, &c. 287
Monument to Sir W. Scott—Bill Read a First Time ... 288
Petition of Capt. Laroche—Motion to print it—Division, Lists, &c. 289

16. South Western Railway—Report—Additional Clause ... 291
Sound Duties—Resolution moved by Mr. Hutt ... 294
Church Rates—Petition of William Baines—Motion to print the Petition 305
Enrolment of Burgesses—Leave given to bring in a Bill 315
Criminal Justice—Leave given to bring in a Bill to facilitate the Administration of Justice in certain Chartered Boroughs 316

17. Stafford and Rugby Railway—Second Reading of the Bill Division—Lists, &c. 317
Severn Navigation—Motion to add the Members for Monmouth to the Committee on the Bill 327
Medical Reform—Second Reading of the Bill—House counted out 330

18. Harbours on the South East Coast—Motion to refer the Report of the Commissioners to a Committee—Division Lists, &c. 337
Captain Laroche—Motion to refer Captain Laroche's Petition to a Committee 349
Colonial Appointments—Motion for Returns 359
Church Rates—Case of Mr. Baines—Resolution—Division Lists, &c. 360

19. The Census—Question 395
Consolidated Fund—Navy Estimates—Resolution in Committee—Discrepancy in the Public Accounts ... 395
South Australia—Resolutions in Committee agreed to ... 399
Poor-Law Commission—Further Consideration of the Report—Committee—Divisions, List, &c. 400

22. Parks—Fairs—Question 454

1841. Page

Administration of Justice—Question 454
Consolidated Fund—Committee on the Bill—Explanation of the Navy Estimates 455
Poor-Law Commission—Committee on the Bill—Division Lists, &c. 461
Ordnance Survey—Committee on the Bill—Postponed ... 510

March 23. Transportation of Convicts—Resolution moved by Viscount Mahon—Division—Lists, &c. 527
Property Tax—Resolution moved by Mr. Scholefield—Division—Lists, &c. 557

24. Printing Petitions—Right to Move for the Printing of Petitions 569
Poor-Law Commission—Mode of proceeding as to the Amendments proposed to the Bill—Explanation ... 571
Copyright of Designs Bill—Bill withdrawn—Another to be brought forward 577
County Coroners—Bill committed *pro formâ* ... 589
Drainage of Lands—Bill committed *pro formâ* ... 589

25. Printing Petitions—Motion to print the Petitions of Mr. Cousens and Mr. Henslow 590
Lord Waldegrave—Question 596
Emigration of Females—Question 596
East-India Sugar—Explanation—Importation into Madras 597
Copyright of Designs—Resolution in Committee—Bill ordered to be brought in to consolidate the Acts ... 589
New South Wales—Resolutions—House counted out ... 598

26. Drawback upon French Wines—Question 611
Newfoundland—Explanation 611
Poor Law Commission—House in Committee on the Poor-Law Amendment Bill—Several Clauses agreed to ... 612

29. Newfoundland—Question and Explanation 657
Poor-Law Commission—House in Committee on the Poor-Law Amendment Bill—Instruction moved to the Committee—Division—Lists—Several Clauses agreed to ... 660

30. Collection of Taxes—Question 703
Carrying mails on the Sabbath—Question 703
Colonial Tariff—Question and explanation 704
Post-office regulations—Question 705
Newfoundland—Motion for a Select Committee ... 705
Poor-law Commission—House again in Committee on the Poor-law Amendment Bill—Some clauses agreed to—Division, &c. 720

31. Colonial Tariff—Explanation of an alteration ... 752
Health of the Metropolis—Question 753
Jews' Declaration—Third reading of the Bill—Division, Lists, &c. 754

April 1. Poole Union—Peter Rickets, and Rebecca Moore—Motion for return 769
Improvement of Dublin—Select Committee appointed ... 772
Ordnance survey—Bill committed *pro formâ* ... 772
Poor-law Commission—House in Committee on the Poor-law Amendment Bill—Divisions—Lists, &c. 773

1841. Page.

Excise regulations—House in Committee on the Excise Acts Resolutions agreed to 804
Metropolitan Improvements—Committee on the Bill ... 805

April 2. St. Alban's—Committee—Motion for the Minutes of proceedings of Canterbury and Walsall Committees—Ordered to be produced 807
Poor-law Commission—House again in Committee on Poor-law Amendment Bill—Several clauses agreed to ... 828
Joint Stock Companies—Committee appointed to inquire into them 842

5. Marylebone—Question as to appointing Churchwardens ... 876
Factory Children—Question 877
Poor-law Commission—Consideration of the Report of the Poor-law Amendment Bill—Dietaries, &c. ... 877
Colonial Duties—House in Committee on the Colonial Trade Acts—Resolutions agreed to—The Import Duties ... 883
Criminal Justice in Boroughs—Committee on the Bill—Divisions, Amendments, &c. 930

6. Syria—Letter of Admiral Stopford, acknowledging the thanks of the House of Commons 935

Adjournment for the Easter Holidays 935
Portuguese claimants—Question 936
Education—Motion for an Address to appoint a Minister of Public Instruction 936
Admission to National Monuments—Select Committee ... 950
United States—Mr. M‘Leod—Motion postponed — 955

20. Flogging on the Sabbath—The Earl of Cardigan—Question 956
Parliamentary Voters (Ireland)—Question 958
County Courts—Question 958
Regent's Park—Address to the Crown to open the Regent's Park 958
Arms (Ireland)—Second Reading of a Bill 962
Civil Contingencies—Question 963

22. Parliamentary Voters (Ireland)—Alterations ... 970
Flogging on the Sabbath—Notice of a Motion—Explanation 971
Mr. Candlish—Biblical Criticism—Edinburgh—Question 972
The War in China—Question 974
New South Wales—Resolutions relative to the Emigration and Land Fund 974
Ionian Islands—Motion for a Committee 1006

23. Small Debt—Courts—Motion to postpone all Bills for them—Division, &c. 1022
Administration of Justice Bill, (No. I.)—Committee on the Bill—Amendment, Divisions—Lists 1024
Convicts in the Hulks—Question 1055
Supply—Vote of Exchequer Bills 1063

26. The Ten Pound Franchise (Ireland)—Question ... 1072
Insurance Companies—Question 1073
Parliamentary Voters (Ireland)—Committee on the Bill—Amendments, Divisions 1073

27. West India Mails—Station for Packets 1153
Waterloo Bridge—Petition 1161
New Courts—Appointment of a Committee to consider the removal of the Courts of Justice 1162

Page

Compensation for Slaves—First Reading of a Bill ... 1165
Improvements of the Metropolis—Select Committee appointed 1165

April 28. Flogging in the Navy—Question 1166
Opening of the Regent's Park—Question 1166
Court of Chancery (Ireland)—Postponement of a Motion 1167
Parliamentary Voters (Ireland)—Further consideration of the measure—Committee—Clause 2—Subject to be further considered—Divisions—Lists, &c. 1167

29. Parliamentary Voters (Ireland)—Committee—Clause—Two Divisions—Lists, &c. 1252
Drainage (Ireland)—Committee on the Bill postponed ... 1289
Fine Arts—Committee appointed 1289

30. Corn-laws—Notice of a Motion 1294
Budget—Committee of Ways and Means—Financial prospects—Alteration in the Sugar, Timber, and Corn Duties 1295

May 3. Resignations—Question 1403
Registration of Voters (Ireland)—Question—Postponement of Lord Stanley's Measure 1403
Breach of Privilege—Mr. Handley's complaint of the *Morning Chronicle* 1403
Corn-laws—Notice 1407
Sugar Duties—Question 1407
Punishment of Death—Committee on the Bill—Several Divisions, Lists 1408
Criminal Justice—Bill went through a Committee—Additional clauses—Divisions, &c. 1431
Administration of Justice (No. I.)—Bill in Committee ... 1446

5. Sugar Duties—Protective system—Notices of Resolutions to be moved 1454
Ecclesiastical Commissioners—Question 1454
Van Diemen's Land—Question 1455
Poor-law Amendment—Question 1455
County Coroners—Committee on the Bill—Various Amendments, Divisions, &c. 1455

6. Taxation—Sugar Duties—Notice of a Resolution ... 1490
Poor-laws—Question 1491
China—Recall of Captain Elliott—Question ... 1491
Egypt—Question 1492
Convicts at Woolwich—Question 1492
Official and declared value—Question 1493
Destructinn of the Caroline—Case of Mr. M'Leod—Motion for Papers 1493
Mr. Vizard's Appointment—Resolution 1498

III. Lists of Divisions.

March 8. The Ayes and the Noes on the Third Reading of Lord Keane's Annuity Bill 12
The Ayes and the Noes on a vote for the Yeomanry ... 34

9. The Ayes and the Noes on referring the Severn Navigation Bill to a Select Committee 74

1841 Page

The Ayes and the Noes on referring Mr. Reeve's Petition to a Select Committee 82

March 10. The Ayes and the Noes on the Second Reading of the Jews' Declaration Bill 99

15. The Ayes and the Noes on the Second Reading of the Drainage Bill 288

17. The Ayes and the Noes on the Second Reading of the Rugby and Stafford Railway Bill 325

The Ayes and the Noes on adding the Members for Monmouth to the Committee on the Severn Navigation Bill 329

18. The Ayes and the Noes on referring the Report of the Commissioners on the Harbours of Refuge to a Committee .. 348

The Ayes and the Noes on a Resolution relative to Mr. Baines and Church Rates 390

19. The Ayes and the Noes on going into Committee on the Poor-law Amendment Bill—Amendment to Commit it in Six Months 437

19. The Ayes and the Noes in Committee on the Poor-law Amendment Bill 449

21. The Ayes and the Noes in Committee on the Poor-law Amendment Bill on an Amendmænt to the First Clause 505

The Ayes and the Noes on the Question, in Committee as before, that the first clause stand part of the Bill ... 509

23. The Ayes and the Noes on a Resolution respecting the transportatisn of Convicts 557

The Ayes and the Noes on a Resolution relative to a Property Tax 568

25. The Ayes and the Noes in Committee on the Second Clause of the Poor-low Commission and Amendment Bill ... 647

29. The Ayes and the Noes on an Instruction, moved by Mr. Fielden to the Committee on the Poor-law Amendment Bill ... 670

The Ayes and the Noes on Clause 8—In Committee on the Poor-law Commission and Amendment Bill ... 673

The Ayes and the Noes on the Second Division on the same clause 675

The Ayes and Noes on the 11th Clause of the same Bill ... 697

30. The Ayes and the Noes on adding a provision to the 10th Clause of the Bill 732

The Ayes and the Noes, that the clause stand part of the Bill 736

The Ayes and the Noes on the Fifteenth Clause of the Bill 749

The Ayes and the Noes on reporting progress ... 751

31. The Ayes and the Noes on the Third Reading of the Jews' Declaration Bill 767

April 1. The Ayes and the Noes on an Amendment to the Twenty-Second Clause of the Poor-law Amendment Bill ... 797

The Ayes and the Noes on the Question that the Clause stand part of the Bill 802

5. The Ayes and the Noes on the Adjournment of the Criminal Justice in Boroughs Bill 931

22. The Ayes and the Noes on Addressing the Crown relative to the Land Fund of New South Wales 1006

1841 Page

The Ayes and the Noes on appointing a Committee on the Government of the Ionian Islands 1017

April 23. The Ayes and the Noes on postponing Bills for the recovery of Small Debts 1023

The Ayes and the Noes on part of a Compensation Clause of the Administration of Justice Bill 1053

26. The Ayes and the Noes on an Amendment (Lord Howick's) to the Second Clause of the Parliamentary Voters (Ireland) Bill 1132

27. The Ayes and the Noes on appointing a Committee on the Report of the Commissioners on the Packet Stations ... 1160

28. The Ayes and the Noes in Committee on Parliamentary Voters (Ireland) Bill—Mr. Hume's Amendment ... 1224

The Ayes and the Noes on a Second Division ... 1227

The Ayes and the Noes on reporting progress ... 1232

29. The Ayes and the Noes in Committee on the Second Clause of the Parliamentary Voters (Ireland) Bill ... 1274

May 2. The Ayes and the Noes on several Divisions in Committee on the Punishment of Death Bill ... 1414—1420—1425—1428

The Ayes and the Noes on adding a Clause to the Criminal Justice in Boroughs Bill 1440

The Ayes and the Noes on a Clause exempting Bolton from the operation of the Criminal Justice Bill 1445

5. The Ayes and the Noes on several Divisions on the County Coroner's Bill in Committee ... 1459—1461—1462—1464 ... 1465—1469—1470—1471—1473

HANSARD'S
PARLIAMENTARY DEBATES,

DURING THE *FOURTH SESSION* OF THE *THIRTEENTH PARLIAMENT* OF THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*, APPOINTED TO MEET 11 SEPTEMBER, 1837, AND FROM THENCE CONTINUED TILL 26 JANUARY, 1841, IN THE FOURTH YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA.

SECOND VOLUME OF THE SESSION.

HOUSE OF LORDS,

Monday, March 8, 1841.

MINUTES.] Petitions presented. By the Earl of Fingall, from Leicester, for the Amendment of some of the Clauses of the Drainage Bill.—By the Marquess of Downshire, from the Presbyterian Congregation of Omagh, from the county Donegal, from the Congregation of Newtoanrds, county Down, from the Presbytery of Coleraine, and from a Presbytery in the county of Cavan, against Church Patronage.—By Lord Redesdale, from a place in Northampton, against the Vaccination system.

THE UNITED STATES.—MR. M'LEOD.] The Earl of *Mountcashell* wished to put a question to the noble Viscount opposite, respecting certain information which had just arrived from America, of great importance to this country and which had produced not only a great sensation in the city, but he believed had also had a material effect on the funds. He referred to the report made to the Congress of the United States, by the committee of foreign affairs, on the thirteenth February last, which, although it related principally to the affair of Mr. M'Leod, could not but have great influence in determining the other subjects of dispute between this country and the United States. He would be the last person to say one word likely to produce a greater division of opinion between the two countries than what now unfortunately existed, but he thought, when such a report as the one alluded to had appeared in the public prints as an official document of great importance, they were bound to ascertain at once whether it was so or not. He could not believe it to be genuine; he was inclined to think that it must be an invention. It was no uncommon thing for the public prints in foreign countries to insert documents for the purposes of stock-jobbing, and he thought that the report in question had been inserted in the American newspapers with some such view. He had also great doubts of its being genuine, from the high opinion which he had of the practical good sense of the inhabitants of the United States. It was impossible, he thought, that they could be so blind to their own interests as to bring forward a document of that kind. He thought it unlikely that such a report could be adopted by a majority in Congress without some individual moving an amendment.

He was convinced that if the inhabitants of the United States considered their own interest—if they looked to the state of their own finances—if they would but recollect the three millions of negroes who would take part with England—if they recollected the great body of Indians whom they had driven from their lands, and who were ready at the first opportunity to take vengeance on them—, if they pondered well these things, he was sure they would see but little inducement to their entering on a war with England. They ought also to take into account the loyal feelings of the people of Canada, who would certainly retaliate on the United States the injuries done to them, and revenge Mr. M'Leod should he be murdered. They ought also to consider the large body of regular troops which were now in the British North American possessions, and the large naval force which, now that the Eastern question was settled, could be brought to bear against them. If they considered these things, they would very soon find, even in their calculations of profit and loss, of which they were so fond, and by which they seemed in the present instance not to be guided, that they were more likely in such a contest to add to their loss, than to increase their profits. For these reasons he was of opinion that the document was not true, but as it had produced so strong an impression on the public mind, he thought it necessary and right to ask the noble Viscount at the head of her Majesty's Government, whether he had received any intelligence respecting the report, and whether he considered it an official document or not? If it turned out to be official, he should, at the proper period, feel it his duty to make some observations in regard to it, for a document more insulting o this nation had never been penned. He wished, therefore, to know from the noble Viscount whether any information had reached him on the subject?

Viscount *Melbourne* was unable to answer the question of the noble Lord, as no information had as yet been received from her Majesty's representative at Washington. He apprehended, however, that considering the form of the document, and the manner in which it had reached this country, there could be no doubt of its authenticity.

Subject at an end.

POORLAWS (IRELAND).] The Earl of *Glengall* said, he was sorry so soon again to bring under the consideration of the House another motion respecting the appointment of the returning officer to the Clonmel union. His motion was rendered necessary in consequence of certain returns which had been laid upon the table of the House, and which, like those to which he referred on Friday last, had been falsified. When noticing the subject the last night the House met, he had made out what every noble Lord who heard him admitted to be a singular and very curious case, and he was compelled to-day to adduce another, which was to the full as extraordinary. In February, 1840, he (Lord Glengall) had moved for certain returns connected with the Clonmel union, together with copies of all the correspondence which had taken place between the Poor-law Commissioners and certain magistrates and others, respecting the election of guardians for the Clonmel union. That return was laid on the table, and in the month of May he had moved for the same return, together with other documents. On examining the two, he found there was a material difference—between that presented in February and the one presented in May; and although both purported to be copies of the same documents, yet the wording of the two were essentially different. He was quite aware that on reading and comparing both, noble Lords might say, that the difference was not material; but when he, who understood the case, and, as he believed, knew the reason why the documents had been falsified, the variation appeared to be important. From the manner in which the statement he had made on Friday, had been received by the House, it was manifest it was their Lordships' intention to have the matter fully investigated, and he had no doubt the House would come to a decision upon it, one way or other, very soon; and it was in order to make the case of falsification of the documents clear, that he brought the subject again before their Lordships on the present occasion. The return to which he meant first to draw their ordships attention, was that presented in February. The document bore no date, but it purported to be an extract from the letter of Denis Phelan, Esq., assistant Poor-law Commissioner, and was as follows:—

"I have been intimately acquainted with Mr. Butler for twenty-seven years; during

> the greater part of that time he was extensively engaged in the woollen trade, and conducted that business very respectably. He was also occupier of a tolerably large quantity of land. His character in these capacities was respectable, and without the slightest reproach.
>
> "*Mr. Butler lately retired from business, and resided in Clonmel as a private gentleman.* When the poor law union was about to be formed there, he applied to me for an introduction to the assistant commissioners, with the view of obtaining the situation of returning officer. To this request I acceded, feeling satisfied that his general character, business-like habits, and intimate knowlege of the country around Clonmel ,and his being otherwise unemployed, were good qualifications for the office; and I shall be greatly disappointed if one of such intelligence and capacity will not discharge his duties faithfully.
>
> "I have, &c.
> (Signed) "DENIS PHELAN,
> "Assist. P. L. Commissioner."

He would now beg to call the attention of the House to the document presented in May. It was also the letter of Mr. Phelan, and commenced thus:—

> "I have been intimately acquainted with Mr. Butler for twenty-seven years; during the greater part of that time, he was extensively engaged in the woollen trade, and conducted that business very respectably; he was also occupier of a tolerably large quantity of land; his character in these capacities was respectable, and without the slightest reproach."

So far both the returns agreed. But what followed was totally different, as the House would see. The document presented in May proceeds thus:—

> "Mr. Butler having applied to me for an introduction to the assistant commissioners, with the view of obtaining the situation of returning officer, I acceded to his request, feeling satisfied that his general character, business-like habits, and intimate knowledge of the country around Clonmell, and his being otherwise unemployed, are good qualifications for the office; and I shall be greatly disappointed if one of such intelligence and capacity will not discharge his duties faithfully."

Now in the last document to which he referred, all allusion to this person "having retired from business, and having lived in Clonmel as a private gentleman," was altogether omitted; and although this might doubtless seem of little consequence to many noble Lords present, yet to him who understood the case, and knew well why the alteration had been made, it did appear of very great importance. After the return ordered in February had been laid upon the Table, and which he believed to be the true one, certain circumstances occurred to which he should presently refer, which might have been attended with awkward consequences to the parties concerned, if exposed under their own hands, and therefore to screen themselves the documents had been falsified. The House would recollect that, on Friday last, he directed their Lordships' attention to a letter written by Mr. Bagwell, on the 9th of March, 1840; and the commissioners' answer to that communication distinctly stated that, although Butler had been recommended to the situation by the assistant Poor-law commissioners, yet, that his appointment had not been made, although on the 19th February, preceding, they had, in a letter to Mr. Fennell (which they suppressed) as distinctly stated, that the person recommended by the assistant commissioners had been appointed. Now, in the returns presented in May, as well as those made in February, the date of Phelan's communication had been omitted. In the May return, letter No. 1, was dated the 16th February; and Phelan's letter, No. 2, followed, but without date. It was to be inferred, however, that being classed No. 2, and No. 3, which follows—it being dated the 15th February—that it was written previous to that date, whereas, in his opinion, it was not written for a month after that date, and ought to have been placed No. 8 in the correspondence, it having been evidently written in consequence of the complaint made by Mr. Bagwell against the meditated appointment of Mr. Butler. The documents were falsified for the purpose of showing their Lordships that Phelan's opinion had been taken previously to the appointment having been made, whereas it had not been done until afterwards. With respect to this person having "resided in Clonmel as a private gentleman," it certainly would be news to the inhabitants of the town, that such had been the case. It was true, this person had been a retail woollen draper, and had retired from business, but no one ever before heard that he had retired with any property. It was impossible that when the assistant commissioners recommended a man for office as being "a private gentleman," that it should not have weight. The assistant commissioners must have had a very extraordinary idea of what was the qualification necessary to constitute an Irish "private gentleman," inasmuch as the salary attached to the office to which this "private gentleman" had been recommended, was just ten pounds. Every one knew, that according as the law stood at present, it required a 10*l.* qualification to constitute a freeholder in Ireland; and if the bill before the House of Commons should pass into a law, he (Lord Glengall) made no doubt that the qualification necessary to give a patent of "private gentility" in Ireland would be reduced, in order to suit the spirit of the age, from its present standard of 10*l.* to 5*l.* In conclusion, the noble Earl said, he should place both the returns on the Table, and on a comparison it would be seen that one or other was false. It was not for him to say, that in falsifying the documents, the commissioners had committed a breach of the privileges of their Lordships' House. The question was in their Lordships' hands, and there he meant to leave it. As it was important to ascertain the dates of these letters of Mr. Phelan, he should move that a full report of the proceedings connected with the appointment of Mr. Butler, he laid on the Table of the House, together with the dates of the letters from Mr. Phelan, as they appeared in the returns of February and May last.

The Marquess of *Normanby* said, he had no objection whatever to grant the return moved for by his noble Friend. Indeed, after the statement that had been made, and after comparing the documents, it became absolutely necessary that this matter should be sifted to the bottom. It might turn out that the alterations made were of no material consequence; but this would not, in his opinion, exonerate those who falsified the documents. He felt, in justice to those whose characters were implicated, as well as also with reference to the maintenance of their Lordships' privileges, that a full and ample investigation should take place; because it was manifest that if any officer under the Government could, with impunity, make alterations in the correspondence of his department, and which had been ordered to be laid before Parliament, no information could be relied on, and it would be idle to act upon any so supplied. The sooner, therefore, an investigation was had the better. After what occurred on Friday night, he felt it to be his duty to write to Mr. Nicholls, and he directed him to come over forthwith. That Gentleman would be in personal attendance on Thursday; and, if the explanation he had to offer through him was not considered satisfactory, he could be examined at the bar.

Motion agreed to.

Adjourned.

HOUSE OF COMMONS,

Monday, March 8, 1841.

MINUTES.] Bills. Read a first time:—Marine Mutiny; Mutiny.

Petitions presented. By Mr. Hunt, from places in Derbyshire, against the New Poor-law Amendment Bill.—By Mr. W. Duncombe, Sir J. Y. Buller, Mr. H. T. Hope, and others, from Bradford, Halifax, Devonshire, and other places, against the Poor-law Amendment Act.—By Mr. Easthope, from the Corporation of Leicester, for relieving the Jews from Civil Disabilities, and in favour of the County Courts Bill; from Inhabitants of the town, for the Improvement of the Irish Registration, and against Lord Stanley's Bill; and from the Village of Stocker, in Lincolnshire, and a place in Leicestershire, for the Abolition of Church Rates, and Ecclesiastical Courts.—By Mr. Alderman Copeland, from Stoke-upon-Trent, not to extend the power of the Poor-law Commissioners for more than three years.—By Sir C. Styles, from Inhabitants of Donegal, against Lord Morpeth's Irish Registration Bill.—By Mr. Parker, from places in Buckinghamshire, for Church Extension. — By Mr. Ormsby Gore, from Salop, for a Declaratory Act to define the items subject to Church Rates; and from the Deanery of Marsham, in the Diocese of St. Asaph, for a perfect system of Tithe Commutation. — By Captain Pechell, from places in the County of Sussex, against the abolition of Gilbert Unions.—By Mr. W. Evans, and Mr. Scholefield, from a place in Derbyshire, and Birmingham, for alterations in the Poor-Law Amendment Bill.—By Mr. H. T. Hope, from Gloucester, in favour of Church Extension.—By Sir W. Somerville, from Naul, in the county of Meath, and other places in Ireland, in favour of Lord Morpeth's Registration of Voters Bill.

RAILWAY BILL.] Sir *R. Peel* referred to the suggestion he had made to the right hon. President of the Board of Trade on Friday last, whether it might not be expedient to appoint a Select Committee, to take into consideration the discretionary power proposed to be given by the bill upon the Table respecting Railways, and the exercise of that power by the Board of Trade. The right hon. Gentleman had undertaken to consider the matter, and to give an answer this day.

Mr. *Labouchere* said, that since he had last addressed the House, he had consulted parties more immediately interested, and understood from them that they meant to confine their evidence within such limits as led him to hope that the inquiry would not prevent the passing of the bill in the present Session—a point upon which he was particularly anxious. Such being the case, he was willing to concede what was desired, and would this night give notice of the names of the committee. It was his intention to re-appoint the committee upon railways of last year, and he was sure that he could not select a more impartial tribunal.

Poor-law Commission.] Lord *John Russell* said, that it was his intention to re-commit the Poor-law Amendment Bill *pro forma*, in order to introduce into it certain alterations, some of which were so important that he would state the nature of them in the first instance to the House. He proposed that the blank respecting the duration of the commission should be filled up with the word " five" instead of the word " ten." Upon another part of the measure there had been a good deal of misapprehension and uneasiness: he alluded to that portion which related to the operation of local acts. He wished that, in future, the Poor-law Commissioners should have the same powers in places where local acts existed as they possessed at present; such places (as we understood) were to be exempted specially from the other clauses of the bill before the House. Another clause in the bill gave power to draw different unions together, for the purpose of providing for and managing the insane and infant poor. The word " infirm" had been introduced, and was intended to apply to persons totally helpless, such as the deaf and dumb, and others in a similar state; but as it was thought that that term might receive too general an application, it was meant to leave it out. He proposed that receptacles should be constructed chiefly for idiots, or persons whom it might be dangerous to leave more at large. The same power would be conferred for the regulation and management of the infant-poor; but that no expense should be incurred for any such establishment if one-fifth of the Poor-law guardians in any union refused to accede to the arrangement. It would thus be in the power of one-fifth of any body of guardians to prevent the operation of this clause of the bill. His attention had been called to another part of the measure by the right hon. Member for Tamworth: he meant the clauses which related to the poor having burial grounds, merely belonging to the workhouses. He (Lord John Russell) did not propose that such clauses should remain. At the same time, it was necessary to say, that complaints had been made by clergymen and others, not on account of the burial of paupers belonging to the union, but of casual paupers dying in the workhouses. He proposed to remedy the evil, by making the unions contribute, in certain cases, to the expense of enlarging churchyards. This was a general sketch of the more important amendments he intended to introduce when the bill was recommitted *pro formâ* to-night, in order that the report might be taken into further consideration on Friday se'nnight.

Sir *R. Peel* had heard, with great satisfaction, that the noble Lord intended to limit the existence of the commission to five years instead of extending it to ten years. The noble Lord had left the matter a little doubtful in what he had said respecting buildings for the education of idiots and infant-poor. The expense was not to be incurred if one-fifth of the guardians objected. Did the noble Lord mean that if the proposed structure were for three unions, and one-fifth of the guardians of any one of the unions objected, that in that case the plan was not to be carried into effect?

Lord *J. Russell* replied, that it would prevent the extension of it to that union.

Mr. *Wakley* also expressed his satisfaction that the noble Lord had abandoned his first plan; as far as they went, he approved of the amendments, but he hoped the noble Lord would go one step farther, and would adopt the suggestion he had thrown out of dividing the present measure into two bills; one to continue the commission for five years, and the other, apart from the commission, to regulate the working of the Poor-law, so that people might feel satisfied that it was not intended to make the commission perpetual. What the people most earnestly desired was, that the law should be so constructed as at the end, at all events, of five years to work itself without the assistance of the Poor-law commissioners. The commission at present was made the excuse for every species of abuse. He would also remind the noble Lord that he had received several deputations from medical practitioners respecting that department of the Poor-law Act; but the noble Lord had not intimated his intention to introduce any change in that respect. Several proposals had been submitted to the noble Lord with reference to clauses of great importance, and he trusted that the interests of the poor, as regarded the medical department, would not be forgotten. The medical profession was ready to come forward with their propositions, and would be supported by an influential body in the House, to which he hoped the noble Lord was ready to give due consideration.

Mr. *W. Duncombe* asked if the Gilbert unions were to be exempted.

Lord *J. Russell* replied, that he meant to include the Gilbert unions.

Mr. *Ormsby Gore* inquired whether incorporations under local acts were to be exempted.

Lord *John Russell* added, that as to local acts he meant to reserve to the commissioners the powers they now possessed, but to exempt districts included in local acts from additional powers. As to the first part of what had fallen from the hon. Member for Finsbury, that was fair matter for discussion and consideration; but with regard to medical provision for the poor, the boards of guardians had introduced some alterations and improvements, and it was better to leave the matter as it was than to make any special enactment on the subject.

Mr. *Grimsditch* begged to know whether the noble Lord intended to reduce the size of any of the unions?

Lord. *J. Russell* answered that he did not.

LORD KEANE'S ANNUITY.] Lord J. Russell moved the order of the day for the third reading of Lord Keane's Annuity Bill.

Mr. *Hume* said, he felt it to be his duty to resist the motion by a direct negative. He could assure hon. Members that when such a bill as the present—one that was so objectionable—was introduced, it ought to be marked in every way that was possible by the disapprobation of the House. He felt that he had a duty to perform, and whether it was pleasing or displeasing to hon. Members, he would perform it. He should say, that the reward was disproportionate to the service. Creating a Peer, and rendering it necessary to support the rank of a Peer by a pecuniary grant, was a measure highly improper, particularly in the present state of our finances. The amount voted in the present instance would maintain one hundred poor families for fifty years to come. Under these circumstances, he must say that the present bill ought not to meet with the support of the House. He hoped that the number of Members in the last minority on the subject, seventy-seven, would teach Ministers not to bring in a similar measure in future to that House. He moved that the third reading of the bill be put off for six months.

The House divided on the original question—Ayes 128; Noes 40—Majority 88.

List of the AYES.

Acland, Sir T. D.
Alston, R.
Anson, hon. Colonel
Archbold, R.
Ashley, Lord
Baillie, Colonel
Baines, E.
Baldwin, C. B.
Baring, rt. hn. F. T.
Barnard, E. G.
Barron, H. W.
Barry, G. S.
Bassett, J.
Bethell, R.
Bodkin, J. J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Buller, Sir J. Y.
Busfield, W.
Chichester, Sir B.
Childers, J. W.
Clay, W.
Clerk, Sir G.
Clive, E. B.
Clive, hon. R. H.
Cochrane, Sir T. J.
Copeland, Alderman
Corry, hon. H.
Cowper, hon. W. F.
Dalrymple, Sir A.
Darby, G.
Davies, Colonel
Denison, W. J.
Dick, Q.
Douglas, Sir C. E.
Eaton, R. J.
Egerton, W. T.
Egerton, Lord F.
Eliot, Lord
Estcourt, T.
Evans, Sir De L.
Evans, W.
Fitzalan, Lord
Fremantle, Sir T.
Freshfield, J. W.
Gladstone, W. E.
Gordon, R.
Gore, O. W.
Goring, H. D.
Goulburn, rt. hn. H.
Grattan, J.
Greene, T.
Grey, rt. hon. Sir C.
Grosvenor, Lord R.
Harcourt, G. G.
Hardinge, rt. hn. Sir H.
Harland, W. C.
Hepburn, Sir T. B.
Hobhouse, rt. hn. Sir J.
Hodgson, R.
Hogg, J. W.
Hope, hon. C.
Howard, hn. E. G. G.
Howard, hn. C. W. G.
Hurt, F.
Inglis, Sir R. H.
Irving, J.
Jenkins, Sir R.
Jermyn, Earl
Johnstone, H.
Jones, J.
Knatchbull, rt. hn. Sir E.
Labouchere, rt. hn. H.
Lennox, Lord A.
Lowther, J. H.
Lushington, rt. hn. S.
Macaulay, rt. hn. T. B.
Mackenzie, W. F.
Macnamara, Major
Mahon, Viscount
Marton, G.
Maule, hon. F.
Miles, W.
Milnes, R. M.
Morgan, O.
Morpeth, Viscount
Neeld, J.
O'Ferral, R. M.
Packe, C. W.
Paget, F.
Peel, rt. hn. Sir R.
Perceval, Colonel
Planta, rt. hn. J.
Pollock, Sir F.
Ponsonby, C. F. A. C.
Praed, W. T.
Protheroe, E.
Rae, rt. hn. Sir W.
Richards, R.
Roche, W.
Rolleston, L.
Rose, rt. hn. Sir G.
Round, C. G.
Rushbrooke, Colonel
Russell, Lord J.
Sandon, Viscount
Scarlett, hon. J. Y.
Seymour, Lord

Shaw, rt. hn. F.
Smith, A.
Smith, G.R.
Smith, R. V.
Somerset, Lord G.
Stanley, Lord
Stuart, W. V.
Style, Sir C.
Sugden, rt. hn. Sir E.
Troubridge, Sir E. T.
Turner E.
Vere, Sir C. B.
Villiers, Viscount
Vivian, rt. hn. Sir R.H.
Wilbraham, G.
Wood, Colonel T.
Wrightson, W. B.
Yates, John A.
Young, J.

TELLERS.

Stanley, E. J.
Grey, Sir G.

List of the NOES.

Berkeley, hon. H.
Brodie, W. B.
Brotherton, J.
Dennistoun, J.
Duncombe, T.
Easthope, J.
Ellice, E.
Ellis, W.
Ewart, W.
Gillon, W. D.
Grote, G.
Hall, Sir B.
Hamilton, C. J. B.
Hindley, C.
Hollond, R.
Humphrey, J.
Hutton, R.
Langton, W. G.
Lushington, C.
Marsland, H.
Morris, D.
O'Connell, D.
Pattison, J.
Philips, M.
Pryme, G.
Rundle, J.
Salwey, Colonel
Sheppard, T.
Stansfield, W. R. C.
Stewart, J.
Strickland, Sir G.
Strutt, E.
Tancred, H. W.
Turner, W.
Villiers, hon. C. P.
Wakley, T.
Wall, C. B.
White, A.
Winnington, Sir T. E.
Wood, B.

TELLERS.

Hume, J.
Williams, W.

Bill read a third time.

On the motion that the bill do pass,

Sir *R. H. Inglis* said, that as the Queen had conferred honours, and as the House had attached pecuniary rewards to those honours, on a gallant officer who had conquered a province for the sake of protecting an empire threatened with danger from hostile intrigues without; it ought not to be forgetful of the case of another gallant officer who had successfully defended another province from treachery within, and from treacherous allies without. That gallant officer had not as yet received any mark of respect, regard, or sympathy from his fellow-countrymen. With these feelings to the province, and to the gallant individual who had protected it, he could not but take this opportunity of expressing thus publicly a feeling, which he knew was shared by many, and which he hoped most of all was shared by her Majesty's Ministers, because, if it was shared by them, he should not have done injury to the object which he wished to promote, by not bringing it forward on an earlier opportunity. That object was to obtain some mark of sympathy and reward for services which had been pre-eminently useful in preserving a province which was essential to the safety, glory, and integrity, of the empire. The hon. Baronet then sat down, but in consequence of a loud cry of "Name, name," rose again with some warmth, and said, "I did not mention his name, because I believe that there is not a single Englishman present who forgets that England owes the preservation of Canada to Sir F. Head."

Bill passed.

SUPPLY—YEOMANRY.] Lord J. Russell moved, that the House resolve itself into a committee of supply.

Mr. *Bramston* called the attention of the House to one of the estimates not yet voted, he meant the estimate for the volunteer corps; and he knew that it was impossible to move for an increase. The case to which he wished to direct the attention of Ministers was that of the county of Essex, where there was no local yeomanry force, although the population was 317,000, whilst Hertfordshire, with not half the population, had six corps. It could be said, as an excuse for not appointing yeomanry in Essex, that it was in the neighbourhood of London, and that it was possible to send the household troops because that reason would apply equally to Middlesex itself, and in that county there were two troops in the neighbourhood of Uxbridge. He would content himself now with calling the attention of the House and of her Majesty's Ministers to the subject, and at a more convenient time he would take the sense of the House upon the propriety of an increase, unless he should find, that Government were disposed to apply a remedy.

Mr. *Fox Maule* said, that as the subject came more immediately under the control of the department in which he had the honour to hold office, than in that of his right hon. Friend the Secretary at War, whose duty was limited more especially to the matter of accounts, he thought it right to answer as shortly as he could the complaint which had been made. In 1838, the yeomanry generally in this country consisted of a large force, and it seemed expedient to the Government, with a view to economy, that this force should be in some respects reduced. The hon. Gentleman seemed to insinuate that the reduction had been made more from partiality than from any just principle, and though no complaint had been heretofore made, the hon. Gentleman desired now to found upon this a charge against the Government. The principle on which this reduction had been made, was because it appeared to the Government that when some reduction could be made, there was no better principle that could be applied than to save the pockets of the people when you can, and they on their parts would then be more willing to give pecuniary assistance when it was really required for the protection of the public tranquillity. With this view, his noble Friend (Lord John Russell) had considered the state of the yeomanry force, and wherever he had found that the corps had rendered little service, or where the regiments had not within a certain period been called out for active duty, his noble Friend, without disparaging or doubting the excellent sentiments, or the loyalty of the officers or men, had made a reduction. Such was the case with the county of Essex, respecting which there had been no remonstrance made at the time. But his noble Friend had sanctioned the continuance of yeomanry corps where they defrayed their own expenses, and if the Lord-lieutenant of the county thought fit to retain their services. One corps in the county of Essex did volunteer still to serve, paying their own expenses; they thus served for a year, but at the end of that period they made application for pay, and were informed that it was directly contrary to the understanding on which they had served, and that it could not be granted. The hon. Gentleman had not now any right to complain that when they applied for pay, after it had been distinctly understood that they should serve without, their further services should be dispensed with. He, therefore, thought that he had said enough to justify the step that had been taken for saving money to the public.

Mr. *Goulburn* begged leave to refresh the recollection of the hon. Gentleman who had just sat down. The hon. Gentleman had stated, that there were no complaints of partiality when the reductions were made. He would beg to call to the hon. Gentleman's remembrance, that cases were stated at the time—whether justly or unjustly he did not mean to say — in which partiality was imputed; and the hon. Gentleman might, perhaps, remember, that a comparison, or rather a contrast, was made between the services of the forces employed at Waltham Abbey and those stationed at Hungerford. It might also be in the memory of the hon. Gentleman, that it was said, that a corps which had been reduced in Hertfordshire, was replaced on the recommendation of a gentleman who was favourable to the existing Government. He recommended at the time, that the Essex yeomanry should be maintained on pay, on the ground that they had been appointed at the request of Lord Melbourne, when Secretary of State, to protect the Ordnance stores at Waltham Abbey; yet the Government thought fit to reduce those forces. He was, however, happy to say, that the corps served free of expense. In his opinion, it would not only be wise, but in the ordinary course of courtesy, to retain these men on pay.

Lord *John Russell's* recollection certainly was, that complaints as to this reduction had been made at the time on the ground that this corps would be of use for the Ordnance stores, but, on referring to the Ordnance Department, they held, that it would be quite unnecessary to keep up the corps for that alleged purpose, and it was on that reference to the Ordnance, that it had been thought right not to retain the services of this corps. There were at the time certainly complaints of partiality in making the reduction, but these complaints were not confined to one side of the House, for he believed, that there were more complaints from his own Friends than from Gentlemen opposite. With regard to the county of Hertford, the corps were under a noble Lord connected with that county. Yet, after all the reduction that had been so much complained of, there were 3,000 or 4,000 more yeomanry now kept up than at the time when the Duke of Wellington was in office; and he said, that it must be a great satisfaction to the House, as it was to the Government, that there had been no extraordinary charge during the last year on account of any yeomanry having been called out.

Sir *Hussey Vivian* said, that application had been made to the Ordnance to know whether it was necessary to keep up this corps, for the protection of the Ordnance stores, and the reply was, that it was not necessary.

Sir *Henry Hardinge* had heard, that there was a correspondence in which it was said to be desirable and necessary to keep up this corps for the protection of the works which might require defence in half an hour.

Sir *Hussey Vivian* was not aware of any such correspondence, and must observe, that there were always workmen ready for the defence of the works on an emergency.

Subject at an end.

Question again put, that the House resolve itself into a Committee of Supply.

Supply—The Earl of Cardigan—Canada—Catholic Soldiers.] Mr. *O'Connell* did not mean to detain the House with any discussion as to the yeomanry corps, yet he could not but regret, that almost the last vote of these estimates should be proposed without the attention of the House having been more decidedly drawn to the conduct of the Horse Guards with reference to the Earl of Cardigan, and to the conduct of that person towards his regiment. He believed the public opinion was excited to such an extent, that he was convinced if one of the officers had not written a letter which had put him without the pale of their sympathies, the House would have been compelled to enter into an inquiry as to the conduct of the Horse Guards. Still he felt bound to make some observations, because, when the conduct of Lord Cardigan had been impeached upon the court-martial of Major Wathen, who was found to be entitled to a most honourable acquittal, and when Lord Cardigan was also condemned without any chance or opportunity of entering upon a defence, he (Mr. O'Connell) had commented upon the proceedings as deserving all reprobation. But the conduct of the court-martial upon Captain Reynolds was infinitely more to be condemned. They had the decision of what the sentence was to be within their own breast; they had sedulously excluded from consideration every ingredient that should enter into the judgment, and cause the heaviest sentence to be commuted; they had not considered the provocation which he had received before he had violated the commands of his superior officer. The nature of the sentence ought to have depended upon the provocation. If the disobedience were without any provocation no sentence could be too severe, but if, on the other hand, so strong a case of provocation could have been made out, the lightest possible censure was the utmost punishment that ought to be apportioned. He took it that it was impossible to defend the course adopted in this matter. Let them, however, see what protection Lord Cardigan had received from the Horse Guards—a protection and a promotion that would not have been given to any inferior. Then there was the case of the other Captain Reynolds, who was ludicrously called, "Black Bottle Reynolds;" he was imprisoned three or four days most illegally. Yet these days of false imprisonment were slurred over. He (Mr. O'Connell) had hoped, that some person of more influence in the House than himself would have already called for inquiry into these cases, and he still hoped, that the Session would not pass by without some person pressing it. He confessed, that he had looked with great regret at the heavy estimates which the Government had thought it necessary to bring before the House. His hon. Friend, the Member for Kilkenny, had complained of the expenses with respect to Canada, and of the misconduct of the House towards that colony on the proposition of her Majesty's Ministers, and he had been answered in a way, that was not at all satisfactory. Now that the rebellion in Canada was a matter of history, and now that they could not be accused of encouraging rebellion by making observations, it was their duty to look to the cause of the civil war; and he was bound to say, and he must express his thorough conviction, that upon the origin of that civil war, the Government were entirely in the wrong. They had provoked the insurrection. This country was not justified in the vote to which the House had come at the instance of the Government, for the application of money belonging to the people of Canada, without the sanction of their representatives. In his opinion, it was a most unconstitutional vote; it was against first principles, and it was not justified by the circumstances and necessities of the case. This was no palliation or excuse for the insurrection. That was worse than a crime—it was a folly. M. Papineau was at the head of a large constitutional party in Canada; he had an overwhelming majority in the House of Representatives; he had, therefore, constitutional means at his command to force his proper and fair claims. It was wickedness, it was a folly, to enter upon an insurrection. That rebellion had been deservedly crushed, but his country had suffered for his crime. The Imperial Parliament had passed a bill for the union of Canada, which was based on injustice. It gave as many representatives to Upper Canada as to Lower Canada, although the population was much less in the upper than in the lower province. When in the course of the discussions on the bill, he had objected to this, he was met by the noble Lord by a statement that it was probable that the relative proportions of the population of the two provinces, would probably alter? That was a matter of prophesy: it was no answer to the fact of the disproportion. If the relative population altered afterwards, it would be easy to remedy the disproportion of the representatives. But there was another more important grievance. Lower Canada owed no debt, and yet it was saddled with a portion of the heavy debt of Upper Canada. This injustice would fester in the public mind, and probably, at some future time, when it would be most inconvenient to us, we should hear of it again. What was the period selected for the change? It was when Upper Canada, indeed, was protected by her own Parliament, but when Lower Canada had no representatives, and was under a Governor appointed from England. They had better be cautious how they proceeded further. He did not happen to know what had passed in the other House, but he had read speeches which were said to have been delivered in debates, not of course, spoken in Parliament, for every body knew, that it was not permitted to publish speeches delivered in either House of Parliament. But he had heard, that there had been debates, in which the Bishop of Exeter had attributed to him in the public prints a speech, for which he ought to bring an action for libel, because it advocated the perpetration of the grossest injustice; it advocated the taking away from the Seminary of St. Sulpice its property, and it was advocated on the excellent pretence, that the violation of property would be favourable to the Protestant religion in Canada. In a great public debate, too, one of the highest personages in the realm had said, that the possession of this property was contrary to the principles of the Reformation. A pretty explanation of the principles of the Reformation, to say that spoliation would be in accordance with the principles of the Reformation! Take away the property from a community which had not only been exonerated from all blame, but had been greatly praised! The mode in which they spent their revenues was charitable in the extreme; the number of persons they educated was considerable; there was not a blot upon their character, nor a tarnish on their name. But they were robbed, forsooth. They had enjoyed possession of the property for eighty years. So long ago as 1763, the French seminary of St. Sulpice made over all its property to the present seminary at Montreal. The Canadian Act of 1774 was one which was based upon a principle of wisdom, because its object was to conciliate the people. The effect of that act had been highly advantageous, for while all our Protestant colonies had revolted, this Catholic colony had remained with us, because they saw a chance of justice being done. In 1775 a general ordinance was sent out, pointing to this property in the hands of the seminary, and the seminary had enjoyed the property ever since, under circumstances which showed how advantageously its members had been entrusted with it, but some inconveniences had been felt, and the seminary had offered a compromise so fair and mitigated in its nature, that it was at once acceded to by every one interested in the property. A new ordinance had now been passed, turning the seminary into a corporation, and that which before might have been deemed to be only an equitable title, was now, by the effect of this ordinance, clothed with the importance of legal right. The ordinance had effected this, but no more. The seminary had no deeds to produce, it was true, but they had had possession of the property for eighty years, and the House would be aware, that after so long a possession much would be presumed in favour of their right. Cases had occurred where an act of Parliament had been presumed, and where gifts or grants from the Crown had been presumed and, the law would favour a right attempted to be sustained upon such grounds as here existed. But their equitable right was admitted, their possession for eighty years was admitted, and now they were to be turned round upon, and he was to be told by a bishop of the establishment, that because they were Catholics they were to be robbed of this property, and another grievance was to be inflicted upon Canada. But if that were to be done—if any part of the Legislature here would submit to the infliction of such an act of injustice, he bid them prepare themselves for even higher estimates, for they assuredly would be brought upon them. From Canada he would take his flight to the East Indies. One half of the soldiers in the East Indies were Catholics—so a newspaper which he had received from Bengal said; and the same newspaper complained of the neglected state of the Bengal army on the subject of the measure of religious comfort afforded them. It was odd enough, that the first regiment which had been sent to China was the Royal Irish, two-thirds of the soldiers in which probably were Irish. He had had numbers of letters addressed to him by soldiers in our East Indian army, complaining most bitterly of the want of religious comforts. Every one knew that the Catholics required the assistance of a priest frequently, and in his dying moments more especially; and the aid which they received from such an individual was most consolatory. The same paper spoke of the Protestant and Presbyterian religions, and of the assistance which was afforded to the members of those churches. No men more cordially concurred in the propriety of affording every aid to such persons than he; but he said, that the aid which was tendered to such persons, contrasted most painfully with the total neglect which was exhibited of the Roman Catholic soldiery. The paper to which he referred was dated March, 1840, and he would read to the House that portion of its contents to which he alluded. The article to which he referred first complained of the neglect of the Catholic soldiers; and he was proud to say, that almost every commanding officer had striven to redress their grievances. It was said,

> "All the commanders-in-chief, from the Marquess of Hastings down to Sir H. Fane, were favourably disposed to the claim of the Catholics in the army, to be provided by Government with British chaplains."

He believed that Sir H. Fane was sent out by the right hon. Baronet opposite during his administration, and he was the man who had discountenanced this claim.

> "This claim, however, though deemed reasonable by the Marquess of Hastings, was vehemently opposed by Sir H. Fane, who even refused to forward to Government a petition on the subject from the Catholics of her Majesty's 13th Regiment." . . . .
>
> "The late commander-in-chief peremptorily refused to lay before Government a petition for British pastors from the Catholics of her Majesty's Thirteenth; but did they, for that reason, exhibit any backwardness at the storming of Ghuzni? That they were not indifferent as to the practice of their religion, may, I think, be safely inferred from the fact of their having contributed, from their scanty means, about 6,000 rupees towards the erection of a chapel at Kurnaul. They were fully aware that in Afghanistan they would find no chapel nor priest to succour them, in sickness or death, with the helps and consolations of their religion, while they beheld the tender care with which their Protestant comrades had been provided with a chaplain. Nevertheless, on they went without a murmur." . . .
>
> "I have already mentioned the extent of provision made by Government for the spiritual wants of the majority of its European soldiers, before the passing of the New Charter Act. From the remarks which fell from the President of the Board of Control, during the discussion of that measure, Catholics were naturally led to expect that some suitable provision would be made for their religious necessities. This reasonable expectation has hitherto been grievously disappointed; for, with the exception of an occasional donation of the paltry sum of 500 rupees, towards the erection or repair of a chapel, nothing, absolutely nothing, has yet been done in redemption of Sir C. Grant's (now Lord Glenelg's) pledge. Much importance cannot, I think, be justly attached to these parsimonious donations, which do not, in their aggregate amount, much, if at all, exceed two thousand rupees, when it is borne in mind that the poor Irish soldiers have to contribute from their slender resources nearly as many thousands as the Government give hundreds; and also that Protestant chaplains and places of worship are provided entirely at the public cost. Catholic soldiers, with the exception already mentioned, continue solely dependent on the nearest Catholic missionary for spiritual aid. The station of Hazareebaugh may, probably, be deemed an exception, inasmuch as the missionary there has, I believe, no charge but the soldiers. He, however, receives only fifty rupees from government, and his expenses beyond that trifle are, I presume, defrayed by the voluntary contributions of the poor soldiers." . . . . "With reference to the above observations regarding the Government expenditure on account of the Church of England and Scotch kirk establishments, I beg to annex the following items of information, which I have obtained from sources which leave no possible doubt of their accuracy. You will observe, that with the exception of the bishop, the clergy under the Bengal presidency only are included. I have no immediate means of ascertaining the payments made on account of those under the

Agra presidency. An allowance of 1,045 rupees, paid monthly to the bishop as 'visitation allowance,' is not included, though I think it ought. I have struck out an item of 48 rupees for regulating the clock from the establishment of the kirk, because that is for public convenience. The government pays 853 rupees a month as rent for the site of the kirk!

Church of England salaries.				Rs. 19,552	9	1
Establishments				3,484	2	3
Expence to Government monthly*				Rs. 23,046	11	4
St. Andrew's Kirk, salaries of two Ministers	1,926	2	0			
Ground-rent	853	5	4	2,779	7	4

The monthly expense to Government of the churches in Calcutta, not including repairs, is as follows:—

Cathedral, salary of two chaplains	2,627	5	3			
Establishment	972	7	8			
Total, Rs.				3,599	12	1
Mission Church salaries	1,600	0	0			
Establishments	485	15	5			
Total, Rs.				2,085	15	5
				5,685	11	6
St. James's salary.	750	12	0			
Establishment	405	4	5			
				1,156	5	0
St. Peter's Fort salary	900	0	0			
Establishment	162	10	9			
				1,062	10	9
Monthly expense of Church of England in Calcutta				Rs. 7,904	11	3
Add expense of Kirk				2,779	7	4
Total, Rs.				10,684	2	7

"The handsome pensions to which chaplains become entitled must not be forgotten, nor the enormous expense of building and repairing churches, &c., the Kirk and St. Peter's, for example."

He submitted to the House, that if they wished to encourage the Irish population to enlist in the army, and so to render themselves liable to be sent to the East Indies, they must make some provision which should render it probable at least that when they arrived there they should obtain some spiritual instruction and assistance. With these observations he should sit down. The right hon. Baronet the other evening had been rather angry at his suggesting, that the system which was adopted by the party of which the right hon. Baronet was the head—if indeed he were the head of it—was impolitic, but there was not a day which passed which did not convince him more and more that he was right, and the intelligence of that day afforded him additional proofs of the error of continuing the present insulting system of policy towards Ireland. He would not enter into details of what had already been frequently before the House, and of what would be again brought under their notice; but was it not wise, he asked, at such a time as this, when they might wish to augment our military force, first to make their alliance with Ireland firm. Let not the right hon. Baronet suppose, that he could have the cordial co-operation of the Irish people without doing them equal justice with the people of England. He warned the House, as it was his duty, against the consequences of the policy which was now adopted, in case of the receipt of further such menaces as had been received from America that day; but no man, he thought, would be so reckless as to continue to persevere in the course of policy now adopted towards that country. These subjects, he thought, were apposite to the subject of the army estimates, because he thought that they might lessen their amount, by attending to the views of the country.

Sir *George Grey* would not enter at large into the questions which had been broached by the hon. and learned Member for Dublin, but he rose for the purpose of saying a few words in reference to what had fallen from that hon. Gentleman, in allusion to the subject of the court-martial on Captain Reynolds. The hon. and learned Gentleman, in the observations which he had made, seemed to imply that the court-martial had excluded altogether the evidence which was proposed to be called before them upon the subject of circumstances which had occurred before the matter which was the subject of their immediate consideration. He thought it due to the members of that court to say, that was not the case, because they admitted evidence of the immediate provocation which Captain Reynolds had received, and on which he had written the letter; but in reference to the conversation which it was in the recollection of the House was alleged to have taken place, and on which a breach of discipline had arisen, he admitted that they had refused to take it into consideration, and in his opinion they had refused to receive evidence upon that point rightly. If they had received the general evidence relating to the whole provocation which was alleged to have been given, they must have gone into an inquiry referring to circumstances which had occurred months and years before, and which had no reference to the act with which Captain Reynolds was charged; and he must say, that he thought that the rule which they had laid down was perfectly consistent with the justice of the case, and with their duty. The court-martial, it was to be observed, was convened for a specific object, and its members had no right to go back to events of long standing, and they would have exceeded the bounds of their duty if they had done so. He felt bound to make these observations in justice to the members of the court, and he did not think that they could have adopted any other course than that which they had taken. He had been absent from town at the time of the court-martial, and had, therefore, been prevented from attending that inquiry; but he entirely concurred in opinion that the recommendation of the court-martial was strictly in accordance with justice.

---

* The Church of England and Presbyterian establishments cost the East India Company upwards of ten lacs and a half per annum, independently of the expense of building and repairing churches.

Sir *De Lacy Evans* said, that he had the honour to be personally acquainted with several members of the court-martial, and undoubtedly he knew no men in whose honour he should place more reliance; but when he said this, he could not but express his regret that where a court was called for the examination of the conduct of a captain, so many of its members should be persons of the rank of commanding officers. The right hon. Judge Advocate-general had stated his opinion, and he did not question it with regard to the finding of the court, but although it was highly inconvenient that courts-martial should be prevented from expressing their opinion in many cases, yet this court-martial did assert an abstract principle, which it was difficult to carry out, which was, that no provocation at all could excuse disobedience to orders. He did not think that it would do to countenance the belief that any circumstances could be altogether considered excusatory of insubordination; but he thought that it would have been better to have omitted the assertion of this abstract principle. He did not wish to go into this question now, because it was a subject which was extremely disagreeable to military men, but he could not help making a few observations, and he confessed that he was rather surprised at the view taken by the noble Lord the Secretary for the Colonies, who had expressed his belief that the clamour which had been raised was to be attributed to the fact of the commander of the 11th Hussars being a noble Lord; and he was the more surprised, because he conceived that such a rank was of very great advantage in any profession whatever. It was much easier, in his belief, for a noble Lord to render himself popular and agreeable with those who were of inferior rank than other persons, and he could not but allude to the fact that many men, who had procured for themselves the highest popularity, were noblemen. There were few men who had been more popular than the Marquess of Anglesey, and he would venture to say, that no Commoner had attained a greater degree of general favour than the Duke of Gordon. The adoption of this argument by the noble Lord, considering his ingenuity and talent, afforded, in his opinion, a convincing proof of the weakness of the case. The right hon. Gentleman, the Secretary at War, in the observations which he had made the other evening, had spoken of the Earl of Cardigan being placed upon the half-pay list, and of such a course being never adopted in cases where any species of punishment was intended to be inflicted; but he believed that if the right hon. Gentleman would inquire into the former proceedings of the army, he would find that officers who had fallen under the displeasure of the Commander-in-chief had been placed on the half-pay list without any discredit being attached to it. There were men now in the army of the highest honour, in reference to whom this had been done without discredit being by such a course cast upon the purposes for which the half-pay list was maintained. The hon. and learned Member for Dublin, had alluded to the subject of the great want of religious attention to the Catholic soldiers in the East-Indies. He was not so capable of entering into that question as the hon. and learned Member, but he begged leave to point out to the right hon. Gentleman the Secretary at War, another reason why this subject should receive the attention of the Government, which, as affecting the maintenance of order in the army, was, he thought, worthy of attention. It was well known that the greater part of the want of subordination in the army arose from intoxication, and he could not point out any more effectual means of checking this crime, than that of creating new opportunities among the soldiery of religious worship.

Mr. *Warburton* thought that there were facts enough before the House to leave room for great regret that the inquiry into the conduct of the Earl of Cardigan had stopped where it did, and that no further inquiry was to take place. What was it that appeared on the face of the documents which were before the public? That Lord Hill wrote a letter which was to be communicated to the officers of Lord Cardigan's regiment, in which it was stated that the regiment was in that condition that was not fit for domestic purposes, nor to be trusted in the field. So the regiment was to be in the state in which it was described to be, and yet no inquiry was to be made into the causes which had produced the existing state of things. What had passed the other night in the debate upon this subject? The right hon. the Master-general of the Ordnance, had stated that there was that, though not in the matter, yet in the manner of the commanding officer which had led to the results which had taken place. What had been stated with regard to the officers? An hon. and gallant Officer opposite had said that there was a cabal amongst them against Lord Cardigan. So there was to be that in the manner of Lord Cardigan so offensive as to produce these results, and there was to be a cabal amongst the officers against that noble Lord, and yet no inquiry was to take place, although they were told that the regiment, in consequence of these circumstances, was unfit for domestic or for active service. He considered these matters not as reflecting upon Lord Cardigan or upon the officers of his regiment, but as reflecting on the Commander-in-Chief of the army, and unless the inquiry which was suggested was to take place, nothing could put a stop to the continuance of a state of things highly detrimental to the service.

Lord *John Russell* said, that it was not very regular for the hon. and gallant Member for Westminster, to answer arguments on that evening, which had been used in a former debate; but he could not regret that the hon. and gallant Member had, afforded him an opportunity of setting him right as to a misapprehension which he appeared to entertain, of what had on a former evening fallen from him. The hon. and gallant Member appeared to suppose that he had said that the clamour which had been raised in reference to this fact, was to be attributed to the circumstance of the commander of the 11th Hussars being a Peer. Undoubtedly the Earl of Cardigan was a Peer of the realm, and was a man of high rank; and he admitted to the hon. and gallant Member, that the fact of the Lieutenant-colonel of a regiment being a man of high rank was rather in his favour than otherwise, and that he was more likely, on that account, to conciliate the officers under his command. But what he had said, was, that disputes having arisen between such a noble individual and his officers, it was much more likely that any complaints which were made should be pushed before the public, and that public attention should be drawn to them, than if he were of inferior standing in society. In the case of a person of inferior rank in society, matters upon which disputes had arisen would have been referred, as in this case, to the Commander-in-Chief, and he would have declared his opinion upon them, and there it would have rested; but it was his opinion that, in consequence of the rank which the Earl of Cardigan held, there had been a great deal more made of the matter than there would have been in any ordinary case. He did not wish to enter into the details of the case; but if he were asked what were the merits of this question, he should say that they consisted of matters extremely frivolous in themselves, and he did not believe that if the same occurrences had happened with respect to any other officer, there would have been the same degree of public attention and excitement created. The hon. Member for Bridport, had urged that there ought to be a solemn court of inquiry upon this subject. It was the opinion of the Commander-in-Chief that these dissensions might be better composed by his stating his sentiments fairly and solemnly upon this subject, and he had sent the Adjutant-general, an officer of high rank, to declare his opinions. He thought that, having received such an admonition, both the commanding officer and the subordinate officers were more likely in future to attend to their duties and live in harmony, than if there had been a discussion from day to day, before a court of inquiry, upon which the public mind would be much excited. He did not now wish to go further into the question than to explain that which he had said the other night. With regard to what had fallen from the hon. and learned Member for Dublin, he did not wish to enter generally into the affairs of Canada. The hon. and learned Gentleman had said, truly that the origin of the disturbances in Canada was now matter of history, and to the judgment of history he was content to leave it. But, with regard to what he had said as to the seminary of St. Sulpice, he would take this occasion to express his opinion that the ordinance agreed to by the special council, with the concurrence of the officers of the Crown, and of the Secretary of State, was founded upon a principle of justice towards a most deserving body of men. He thought that that ordinance was likely to give general satisfaction concerning a question which had long been matter of dispute, and he could not but conceive that any interference with it would be attributed to the benefits which might arise under it to the Roman Catholics; but he should look upon an interference upon such a ground, considering what was the present state of Canada, and that it was our policy as well as justice to the Roman Catholics of that colony, and of every other place, to afford them all the protection that was due to the loyal subjects of the Crown, as involving a serious mistake. With regard to the other subject to which the hon. and learned Member had alluded as to the insufficiency of religious instruction to the Roman Catholic soldiery in the East Indies, he knew not what might be done by the East-India Company or the Government in India; but he admitted that they required the presence among them of ministers of their religion. He thought that every measure should be taken which could be properly adopted to secure the object pointed out by the hon. and learned Member; and that men acting in a military as well as a civil capacity should have every assistance afforded to them which could be given.

Sir *A. Dalrymple* said, that having an intimate acquaintance with the neighbourhood of Brighton, in which the 11th hussars were quartered, he could state, upon his own observation, that the men of that corps were as well-conducted men as any he had ever seen in Brighton.

Sir *H. Hardinge* desired to add that he could state, upon his own observation, that the officers and men of the regiment were in the best state of discipline.

Mr. *Hume* wished to put a question to the right hon. Judge Advocate General. He begged to ask whether, at the court-martial held upon Captain Reynolds, evidence was not tendered of a long series of insults alleged to have been offered by Lord Cardigan, to show the degree of provocation given by the Earl of Cardigan to his officers, and whether it was not usual on such occasions to note down the evidence tendered, in order that, when the subject should be brought before a higher tribunal, it might become the subject of further inquiry? Officers were men, and were not to put up with insults without possessing the means of redress. It was because there was a refusal of all redress to them that he had said on a former occasion that he blamed Lord Hill more than the Earl of Cardigan. But he blamed the right hon. Gentleman the Secretary at War also, for he thought that it was his duty to see that justice was done, not only to Lord Cardigan, but to every individual. On the face of the proceedings he thought that there appeared to have been a gross act of injustice committed, and he thought that Lord Hill should retire from the office of Commander-in-Chief, being unfit to perform its duties. He had long entertained this opinion on other grounds, and he candidly stated that it was his opinion, without meaning any offence to Lord Hill, that that noble Lord should never have remained one hour at the head of the army after Earl Grey assumed the Government. But quitting this part of the case, he could not sit down without saying, that he thought that an inquiry ought to take place, and that, notwithstanding what had fallen from the right hon. Gentleman the Secretary at War, public opinion was not to be set at defiance.

Mr. *Macaulay* said, that he would appeal to the House whether he had said that public opinion should be set at defiance. He had used no such words. But he had said, and he always should say, that when he was satisfied that a certain course was required by his public duty on a case, the circumstances of clamour being raised, which was in a degree unjust and intemperate, was only an additional reason why a man of spirit and confidence should firmly do that which he considered himself bound to perform. No one respected the opinion of his countrymen more than he did, and he did so because he believed that they were willing to hear what was to be said on both sides of a question, because he believed that there was a disposition in this country to respect men who, even in opposition to a strong public clamour, should discover and act upon their conscientious feelings. He believed that the course which the Government had taken, was that which was just to the service, and which would really promote the true interests of the country, and, because he thought so, no clamour and no intemperate view of the case should drive him on. He had not intended to rise upon this occasion, and he had only addressed the House in consequence of what had fallen from the hon. Member for Kilkenny. He believed, that he could make many corrections as to matters of fact which had been alluded to in the course of the evening. He would refer to the expressions attributed to him by the hon. Member for Bridport, which were not such as he had used. He believed that the communication of Lord Hill was a general admonition to the regiment, to the effect that the dissensions between the commanding officer, and some of the other officers, had a tendency to render the corps inefficient. There was, on the other hand, abundance of evidence to show that Lord Cardigan, whatever might be the grounds of complaint against him, had brought the regiment into the highest state of discipline, and that this had occurred within an extraordinarily short time after its return from India. He could not sit down without adverting to what had fallen from the hon. and learned Member for Dublin, on the subject of the condition of the Roman Catholic soldiers in the army. He quite agreed with the hon. and learned Member, that whatever opinions we might hold, or whatever measures we might adopt, as to our religious establishments at home, the recruit of the Roman Catholic persuasion who was taken up in Ireland and conveyed 15,000 miles off, into the midst of a Pagan country, ought to be provided by the State with the comforts of his religion. Not only the happiness and virtue, but the discipline also of the troops would, he was satisfied, be promoted by such a course. The government of India had always acted upon the same view, but he would make it his duty to make a representation to the Court of Directors in order that it might be, if found necessary, more fully acted upon.

Sir *R. Peel* rose only because the hon. Member for Kilkenny had admitted that he entertaiaed a strong prepossession against Lord Hill. It appeared from what the hon. Member said, that with him the original grievance was, that Lord Hill should have been continued in the command of the army on the accession of Earl Grey to office. These two admissions of the hon. Member unfortunately did lead to the inference that it was highly probable that the hon. Member's prepossession against Lord Hill had exercised some sway over his judgment with regard to the case of Lord Cardigan. He did not consider that the Government could have acted otherwise than they had done with regard to Lord Cardigan. It would certainly have been unwise to have placed him on half-pay. They had been informed that, according to the custom of the service, there was not sufficient in the case to justify a court-martial, still less was there ground for a court of inquiry. Indeed, he thought it a matter for grave consideration whether, under any circumstances, a course of inquiry should be instituted. He considered the Commander-in-Chief a much better authority, as to that matter, than the House of Commons. Where matters so vague as the manners, or looks, or casual expressions, of an individual, were to form the subject of inquiry, a satisfactory result was not likely to be come to, and he thought a wise discretion had been exercised in letting the case be decided by a man holding the station of Commander-in-Chief, whose public services entitled him to the highest respect, and whose private character exempted him from any suspicion of partiality. He was bound also in justice to say, that he could not see what motive the executive government could have to protect Lord Cardigan. He was not connected with them by political ties: on the contrary, it was quite evident that some temporary popularity was to be gained by making a sacrifice of Lord Cardigan. He did not think that

Lord Cardigan was entitled to any particular favour, but it was quite as inconsistent with fairness that he should, because he was a man of rank, be exposed to that injustice which he had met with from the greater portion of the press, from which a man of inferior rank would have been exempt. He hoped that the same sense of justice which had induced the Government to act as they already had done in this case, would induce them to continue in the same course.

Colonel *Salwey* thought there was great inconsistency in the statements made relative to the present condition of the regiment commanded by Lord Cardigan. The right hon. the Secretary at War had spoken of that corps as being in a high state of inefficiency, whilst on the other side of the House an hon. and gallant General (Sir H. Hardinge) had stated that a cabal existed among the officers of that regiment. That was, in his opinion, the most unfortunate expression that could have fallen from any gallant Officer in that House. He never heard it stated that any cabal existed in that regiment. Though he had not the honour of being acquainted with Captain Reynolds — better known as "black-bottle" Captain Reynolds—yet he believed that Gentleman would be the last to form any cabal against his commanding officer. He was sorry to hear such an expression from the hon. and gallant General opposite.

Sir *Henry Hardinge* said, that the expression he had really used was, that the differences in the regiment partook of the nature of a cabal among a few of the officers—a statement he was quite justified in making, because the same expression had been used by the Horse Guards. So far from his being in a position to state that all the officers in the regiment were in a state of cabal, the fact was, that, with the exception of three or four, there did not exist any difference or misunderstanding between the officers and their commander. No doubt circumstances might have occurred which were magnified into undue importance. He did not mean to enter into a justification of Lord Cardigan, but he must say, he thought that he had been treated with undeserved severity, and that his conduct had not merited that severe censure which it had met. It was admitted, that the regiment which the noble Lord commanded was organised and conducted with the greatest propriety, and that it was in as good a condition as any regiment in the service.

House in committee of supply.

ARMY ESTIMATES—YEOMANRY.] Mr. *Macaulay* rose to propose a vote of 82,266*l.* for the yeomanry corps. This was a considerable reduction upon the vote of last year, and when it was borne in mind that 13,000 cavalry were brought in aid of the civil power for a sum which, if applied to the organization of cavalry of the line, would not nearly produce a body of equal number, and if also it was remembered of what service the yeomanry cavalry had been during recent disturbances, he did hope that no opposition would be offered to the vote.

Mr. *Hume* said, he rose, as he had done for ten years, to oppose this vote. His reason for objecting to the yeomanry cavalry was, that they had never come in contact with their fellow citizens, without engendering those unpleasant feelings which did not pass away with the hour. The same amount would very nearly establish three regiments of the line, which, in the present rapid state of travelling, would do much more service, and give much more satisfaction. He should divide the committee.

Mr. *O'Connell* begged to observe, before the committee divided, that the same statement as that which had been recently make by the right hon. the Secretary at War, with regard to his determination to make representations to the Indian Government as to the condition of Roman Catholic soldiers in respect of their religious exercises, had before been made by Lord Glenelg. The complaint now made was of the disappointment of the hopes and expectations which that statement raised. He trusted, that the right hon. Gentleman would make a very strong representation to the court of directors.

Mr. *P. Howard* said, that there were many Roman Catholic soldiers in Lancashire and the Highlands who were quite as badly off in respect of their religious worship as those in India.

The committee divided. Ayes 49; Noes 15:—Majority 34.

List of the AYES.

Anson, hon. Colonel
Antrobus, E.
Baring, rt. hon. F. T.
Barnard, E. G.
Bellew, R. M.
Blake, M.

Bodkin, J. J.
Bramston, T. W.
Briscoe, J. I.
Bryan, G.
Busfeild, W.
Butler, hon. Colonel
Clay, W.
Clive, hon. R. H.
Collier, J.
Coote, Sir C. H.
Dalrymple, Sir A.
Denison, W. J.
Egerton, W. T.
Estcourt, T.
Glynne, Sir S. R.
Grimsditch, T.
Heathcoat, J.
Hobhouse, T. B.
Howard, P. H.
Kemble, H.
Lennox, Lord A.
Lowther, J. H.
Macaulay, rt. hn. T.B.
Mackenzie, T.
Morgan, O.
Packe, C.
Palmerston, Viscount
Parnell, rt. hn. Sir H.
Pigot, rt. hon. D.
Plumptre, J. P.
Rose, rt. hon. Sir G.
Rushbrooke, Colonel
Rutherford, rt. hn. A.
Shaw, rt. hon. F.
Somers, J. P.
Thomas, Colonel H.
Turner, E.
Vivian, Major C.
Vivian, J. E.
Vivian, right hon. Sir R. H.
Wilbraham, G.
Wood, G. W.
Wood, Colonel T.
Yates, J. A.

TELLERS.

Parker, J.
Tufnell, H.

List of the NOES.

Brotherton, J.
Easthope, J.
Ellis, W.
Evans, Sir De L.
Ewart, W.
Hutton, R.
O'Connell, D.
Salwey, Colonel
Seale, Sir J. H.
Strickland, Sir G.
Tancred, H. W.
Thorneley, T.
Wakley, T.
Warburton, H.
Wood, B.

TELLERS.

Hume, J.
Duncombe, T.

The vote was accordingly agreed to.

ORDNANCE ESTIMATES.] Sir *H. Vivian*, in rising to bring forward the Ordnance Estimates, said, that it would have afforded him sincere pleasure, as it would, he was sure, have gratified the Committee, if, like his right hon. Friend, the Secretary at War, he had been able to state, that there was a diminution in the estimates for the expenses of the Ordnance department for the present year, as compared with those of the last year. He regretted, however, to state, that the exigencies of the service required a very considerable increase, amounting, upon the whole, to 186,903*l.*, the cause of which he should endeavour, as briefly as possible, to explain, and, by stating the grounds of the increase against each vote on which any addition had been made, he trusted he should succeed in showing, that the increase in the expenditure was absolutely necessary, and he hoped also to show, that it had not been carried to too great an extent; he feared, indeed, there might be some who would be of opinion he had not carried it far enough. The first vote was for the expenses of the Ordnance civil establishments at the Tower, Pall-mall, Woolwich, out-stations of the United Kingdom, and foreign stations. In this vote there was an increase of 2,757*l.*, which arose in a great degree from the increase of salaries in the department for length of servitude, as also from the appointment of two additional storekeepers at Montreal and Sierra Leone. In the second vote, for the royal engineers and sappers and miners, there was an increase of 2,688*l.*, which was occasioned by an additional company of sappers and miners to be employed at Bermuda, at the suggestion of the Governor of that colony, made through the noble Lord, the Secretary of State for the Colonies, in consequence of the impossibility of procuring artificers and labourers to perform the works without very great additional expense. In the next vote there was a decrease of 1,212*l.*, which arose from the fact of a larger quantity of clothing having been made up last year than was necessary for the service of the year, and consequently a less quantity was required for the present year. With respect to the royal artillery no alteration was made. The 576 men that had been added to that corps during the last two years, had enabled him to relieve the companies on foreign stations, with one exception only, shortly after the expiration of their period of service. To do this, however, he had been compelled to reduce the number of men employed in some of those stations, but he had not found it necessary to ask for any increase in the present vote for the royal artillery; but should the large number now employed in the colonies continue to be required there, he feared in a future year he should have to ask the House for an addition to the present force. In the fourth vote there was an increase of 96*l.*; this was occasioned by some addition to the barrack establishment. The next vote was for the ordnance works and repairs of the United Kingdom and the colonies, building and repair of barracks, barrack expenditure, &c. In this there was an increase, which had arisen from the Ordnance having been called on to erect new barrack and ordnance works, or to add to those now existing. He would explain the items. At Waltham Abbey, to increase the means of manufacturing gunpowder, it is proposed to expend 11,000*l.* in building and machinery. At Birmingham, also, in consequence of the necessity for supplying the army with new muskets, an establishment had been formed at an expense of 5,000*l*. It had cost 6,500*l*. to repair the damage done by a late storm to the sea-line at Portsmouth; 14,800*l*. to expedite the works at Halifax; 2,870*l*. for the Cape frontier; 2,200*l*. for the works at Gibraltar, on the recommendation of the committee appointed to inquire into the state of the defence of the garrison, by the authority of the noble Lord, the Secretary for the Colonies. Complaints had, for a long time, been made of the defective state of the sea-line at that station; it had been from time to time patched up, but the application of steam navigation had occasioned so great an alteration in the circumstances of any fortification liable to attack from the sea, subjecting it to be approached with so much greater facility and certainty, that it had become the duty of the Government to provide against attacks under this altered system of navigation, both at Gibraltar and other important out-stations. Sir John Jones, the officer who had been so successfully engaged in reinstating the works in the Netherlands after the late war, was now employed in preparing estimates and plans for the works required at Gibraltar. Those estimates and plans were not completed, but a rough estimate had been submitted to the Government, and it was thought right to take a vote for 20,000*l*., to enable them to carry on the works, without loss of time. The next cause of increase was for the erection of barracks on the Cape frontier. The expence here proposed to be incurred was 8,857*l*. The next item was for the barracks in the central districts of this country, 20,000*l*. In the northern districts it had been found necessary to have a greater number of troops there than there was barrack room for. Some troops there had been lodged in temporary barracks for eighteen years. Two years ago, he (Sir H. Vivian) went down and examined the barracks in that district; many of them were much out of repair, and in a very bad state. This was more particularly the case in Bolton and Bury, and he thought it was his duty, holding the situation he did, to take care, if it were necessary to continue so large a number of troops, beyond what there were permanent barracks already capable of accommodating, that they should be properly and comfortably lodged. 10,000*l*. was proposed to be expended in increasing the barrack accommodation at Brecon. When the disturbances took place in South Wales last year, in consequence of the want of barrack room the troops were lodged in public-houses, and afterwards in mills and other buildings, that were hired for the purpose. He had visited the stations in that neighbourhood, and found the troops, as far as a temporary accommodation went, very comfortably lodged, but at the desire of the Secretary of State, for the Home Department, he had directed an officer of engineers to go down and prepare plans, &c., for the erection of barracks, at different stations where it had been recommended barracks should be provided, but he hoped any great expense for that purpose would yet be unnecessary. No estimate was therefore now made except for the barracks at Brecon, and that expenditure, even, he hoped might not be required, he would endeavour to avoid it if possible. It was also proposed to take 10,000*l*. for the erection of a fortified or defensible barracks at Pembroke. This had become a most important station, and the provision for the lodging of the troops there was found to be most incomplete. It was found, that at an expense comparatively small, a barrack might be erected that would afford accommodation to the troops, and be effective as a means of defending the town. In the sixth vote for military and civil contingencies, including surveys of the United Kingdom, and army extraordinaries, there was an increase upon the last year's estimate of 5,414*l*. The next vote, which was for ordnance and military stores, was an important one. The increase here was 121,000*l*. This increase had arisen principally in consequence of the necessity of supplying the troops with percussion arms. For many years great complaints had been made of the arms with which the soldiers of the British army were furnished; in many respects, no doubt, the musket was a good and a powerful arm, but in others it was defective, the lock especially so, and the consequence was, a very large proportion missed fire, he might say as many as one third. Now he thought it was due to the British soldier, when sent out to fight the battles of his country, to place in his hands such arms as he could depend upon; his conduct at all times fully entitled him to this consideration. He now, therefore, proposed the large sum of 130,000*l*. for supplying our troops with percussion fire-arms. The subject of improving the fire-arms had been mooted, when he (Sir H. Vivian) entered upon his present office of Master-general of the Ordnance. He had taken very great pains on the subject, and had a musket of every description made, and when he had obtained what he considered to be a good one, he applied to his noble Friend, the Commander-in-chief, to name two experienced officers to serve on a committee to examine and report upon the fire-arms submitted to them; as president of that committee, he placed his gallant Friend the Storekeeper of the Ordnance, and he should not do them justice if he failed to take this opportunity of expressing his sense of the pains they took in investigating this most important subject. They decided in favour of a particular musket as a pattern and also upon a carbine and a rifle, and he immediately ordered a certain number of each to be made up and sent, some to the troops in Canada, others to those in England and in Ireland, for trial. He had, at the same time, requested Lord Hill to direct, that a report should be sent from the officer in command of the different regiments to which these arms were sent, the reports were in the highest degree favourable. New arms it is well known are supplied to the troops once in every twelve years, and at the present time in consequence of there being a doubt as to the description of arms to be supplied. No less than twenty-six regiments are in want of arms, these then will have at once or at least as soon as possible, to be supplied with percussion arms, therefore it is, that a very large sum is required in order to provide them. He had obtained from Lord Hill reports of the opinions of those regiments which as yet have received the new muskets, and all agreed, that "the arms which had been then supplied to them were far more useful and better calculated for the service than those with which they had been previously furnished." The right hon. and gallant General then read the opinions of the officers commanding the grenadier guards, the 7th dragoon guards, the 13th and 14th light dragoons, the Coldstream, the 72nd, the rifle brigade, and other regiments, all of which spoke of the arms as most excellent, and decidedly superior to those previously in use. He therefore considered it his duty as fast as possible to go on with the manufacture of these arms, and this was absolutely necessary, inasmuch as if occasion should arise for calling the troops into the field, it would not only be most injudicious, but it would be unjustifiable, to send them out with flint locks against an army provided with percussion locks. In proof of this, he might mention, a circumstance which occurred whilst he was in the command in Ireland, when at a review, during a violent shower, the pans became so wet, that not a single musket in one of the regiments would go off. There was also an addition of 15,000*l.* for other stores, and a further addition in the military store branch of 10,000*l.* The unprovided list amounted to 5,579*l.* Of that sum, 100*l.* had been laid out for the purchase of the land on which the tower of Bagenbon, near Fethard, in the county of Wexford was situated, and the remainder was for the purchase of some ground necessary to the completion of some of the new works, at Kingston in Canada. The whole amount of the votes was 186,903*l.* more than last year. If any hon. Member was desirous of further explanation he should be most happy to give it, when the vote was proposed on which it might be required. The right hon. and gallant General moved:—

"That a sum not exceeding 119,631*l.* be granted to her Majesty for defraying the salaries of the civil establishments at the Tower, and Pall-mall, Woolwich, the out-stations in the United Kingdom, and foreign stations, for 1841-2."

Mr. *Hume* observed, that as the House was determined to keep up a large standing army, it was certainly desirable that they should have an efficient artillery. It was desirable that this branch of the service should be placed on the best possible footing, and also, that the arms that should be given to the troops should be as good as possible. On this ground, he, for one, should not object to the proposal of the right hon. and gallant Officer for arming the troops with guns with percussion locks. He had no doubt but that the right hon. and gallant Officer made every possible inquiry, and examined the subject fully before he adopted these new arms. He was not at all surprised at the increased expenditure for ordnance stores, when he recollected the recent proceedings on the coast of Syria, where such large quantities of them had been uselessly thrown away. He should not trouble the House to divide on these estimates, but he protested against the large scale of our military establishments.

Colonel *Thomas* wished to know whether the troops in India were to be armed with the percussion guns.

Sir *Hussey Vivian* replied that the matter was then under consideration.

Vote agreed to, as were several other votes.

On the vote of 525,521*l.* for ordnance works and repairs, and storekeepers' expenditure, building and repair of barracks, &c. in the United Kingdom and the colonies,

Sir *A. Dalrymple* said, that he observed in this vote a charge of 10,000*l.* for the enlargement of the barracks at Brecon. He wished to know whether the principle of enlarging the central barracks of a district was to be acted upon in South Wales as it was in other districts, instead of having detached barracks at various places?

Sir *H. Vivian* replied, that a number of plans had been submitted to him for the erection or enlargement of barracks in other places in South Wales; but he did not intend to make any proposition on the subject until it became absolutely necessary to do so. He had received communications from officers stationed in South Wales, who told him, that although it was found necessary for the present to distribute the troops in a number of places in that district, yet, that they, generally speaking, were comfortably quartered.

Mr. *Hodges* asked what steps had been taken respecting the repair of the barracks at Hythe; and also whether it was at all necessary to keep up the barracks there?

Sir *H. Vivian* had made inquiries on the subject of the commanding officer of the district. It appeared that last year the roof of the barracks in question was in a bad state, and the officer to whom he had alluded had received instructions to have it repaired. He had entered into a contract for this purpose, with a person who, it turned out, was not competent to complete it. The repairs, therefore, had not yet been finished. On this subject he had sent down one of the best officers connected with his department, namely, Captain Pasley, who reported that a new roof was necessary for these barracks, and that the expense would not be very great. With respect to the continuance of the barracks at Hythe, he had no hesitation in saying that they were absolutely necessary in case of war. If, therefore, the present building were abandoned, they would, very probably, in a few years, have to rebuild it at a greatly-increased expense.

Mr. *Hume* regretted to find, that whenever any local or temporary disturbances took place, a demand was made in that House for the erection of large barracks. This was the case a few years ago with respect to Lancashire, and it was now to be acted upon in South Wales. If this was the principle that was to be acted upon, there would be no end to the expenditure. The truth was, that in case of disturbances, the Government would avail itself of the facilities of communication afforded by the railways. He did not mean to object to any particular vote, but he rose to protest against the system of studding the country with barracks.

Sir *Hussey Vivan* denied that the Board of Ordnance or the Home Office acted upon the principle of having barracks built in a place whenever an *emeute* occurred. The greatest caution was used, and they were never erected unless after the most mature consideration, and until they were deemed to be absolutely necessary.

Mr. *Hume* expressed a hope that the charge of admission to the jewel-room, in the Tower, would be reduced. The principle had been tried with respect to the armouries, and had been attended with the greatest success, and he now trusted that the charge would be reduced still further. He found, from a document, which he had in his possession, that in the year 1837, when the charge of admission to the armouries in the Tower was three shillings, 10,500 visited them, and the sum received was 1,030*l.*; in 1838, when the charge was reduced to one shilling, they were visited by 41,000, and the sum taken was 2,040*l.* In the twelve months, ending January, 1840, during which time the charge was sixpence, they were visited by 80,000 persons, and the sum received was 2,000*l.*; and in the year ending January 1841, the number of persons visiting the armouries was 91,897, and the amount received was 2,297*l.* 8*s.* 6*d.* Was not this a satisfactory proof of the advantage of making reduction in charges? For his own part, he should like to see all public places thrown open to the public free of all charge, as there were thousands who could not afford to pay sixpence. As this, however, was not very likely to be assented to, he trusted that the right hon. and gallant Member would consent to reduce the charge of admission to three-pence, or a fourpenny piece for each person. He hoped also that before long the armouries would be thrown open to the public, free of all charge, for at least one day in a week. The principle which he had just alluded to should also be applied in the levying of duties; and he was satisfied that if the Chancellor of the Exchequer would consent to reduce the duties on tea and sugar, and other necessaries one half, that there would be no defalcation in the revenue, while the benefit conferred on the public would be very great.

Vote agreed to. Resolutions ordered to be reported. House resumed. Committee to sit again.

Poor-Law Commission.] The House then went into committee on the Poor-law commission continuance and amendment bill, *pro formâ.*

Captain *Pechell* asked whether the Gilbert unions were exempted from the operation of the act?

Mr. *F. Maule* replied in the negative.

Mr. *T. Duncombe* had on a former evening stated to the House, that he thought the recommendation of the right hon. Baronet the Member for Tamworth, that the duration of the commission should be reduced to five years, and that the poor should not be thrown into those places behind the workhouse called workhouse churchyards, but should be buried in the parish churchyards, or, to use a more expressive term, in the poor churchyards, would be adopted by the Government in their amendments to the bill. He hoped also, that the Gilbert corporations would be excepted, and that the noble Lord would think twice before he attacked the local acts of the metropolis. Now, they had been often told, that the Poor-law commissioners had exercised the greatest discretion in the performance of their duties; but he did not think much discretion had been evinced in uniting the large parish of Kensington with that of Chelsea. Having done that, they afterwards got in Paddington, for the purpose of trying the Poor-law system. And what was the consequence? The greatest possible confusion was produced, and now there was a local act before the House for the purpose of dividing Kensington from Chelsea; or, as it were, to divorce them. But they had of course done away with the local act, so that when Chelsea was separated from Kensington, that parish would be left with all the horrors of the Poor-law. He would advise all persons who were interested in the local acts not to halloo before they were out of the wood; for, though they might escape this year, the Gilbert corporations would be attacked, and in the next year the local acts would follow in the same course. It was proposed also, to divide large parishes into wards. Now, that was the most objectionable clause ever introduced into any bill, for it would produce divisions of the ratepayers of a parish. At present a ratepayer had as many votes for guardians as there were guardians forming the board; but would that be the case if this clause were adopted? He should like very much to know whether, if parishes were divided into wards, a ratepayer would have as many votes as he had at present, or only for the guardians of his particular ward?

Mr. *Fox Maule:* The hon. Member would see the clause when it was printed.

Mr. *Duncombe:* This point was a matter of deep interest, and unless he received a satisfactory explanation upon it, he should move that the chairman do leave the chair. The hon. Member concluded with moving that the chairman do report progress.

Mr. *Fox Maule* said, the hon. Gentlemen refused what, he believed, had never before been refused to an individual, much less to a Member of the Government—namely, the right to move that a bill be committed *pro formâ,* for the sake of introducing amendments. It was a matter of ordinary courtesy to grant this to any hon. Member having a bill before the House. His noble Friend had stated, that he did not mean to take any step in the bill that evening, but that he should ask permission to introduce certain amendments in committee, for the sake of having them printed, and placed before hon. Members, in the exact shape in which it was proposed to carry it out. He hoped his hon. Friend would not press his motion, but allow the bill to be amended and reprinted.

Mr. *T. Duncombe* thought he was called on to explain after what had fallen from the hon. Gentlemen. It might be unusual for an individual to object to a Member altering his bill as he liked, but it was much more unusual and uncourteous when such a Gentleman was asked a question respecting the amendments he proposed to introduce, to turn round and say you will see when they are printed. When he was treated in that manner, he should certainly move that the chairman do report progress. No Secretary of State in the higher department, and much less one in the lower, should so treat an independent Member, or give, what he should consider in any other situation, a most impertinent answer. He had put a question respecting a certain amendment, and the answer was, that he would find it in the bill when printed. He did not regret the course he had taken, because the reply was uncourteous and unusual.

Mr. *Fox Maule* said, the answer was one made in, perhaps, an unusual mode. He had answered from his seat without addressing the House, and meant it as from one Friend to another sitting at the same side of the House. The hon. Gentleman had chosen to consider it as an answer in his place. If the hon. Gentleman pressed his motion he should oppose it.

Lord *John Russell* said, it was a very usual course for a Member, and particularly an official Member, bringing forward a bill, to take that bill through committee *pro formâ*, for the sake of having amendments printed, and that course was generally agreed to by the House. It was usual, as well for private Members as for Members of the Government, to make amendments in that way, in order to place the bill before the House in the state in which they wished it to go into committee. He (Lord J. Russell) had done more. He had stated certain amendments which he wished to put in the bill, and the hon. Member said because you have done more than is usual, in stating certain amendments, I ask you to do more still, and state every item and iota of the amendments you mean to introduce. [Mr. *T. Duncombe:* I did not ask that.] The effect of such demands would be, that a Member of the Government, in asking the usual indulgence, instead of doing more than he had done, would do less, and give no explanation at all.

Mr. *T. Duncombe* said, the noble Lord might explain as much or as little as he pleased, but he ought not to misrepresent him. He had not asked for every iota of the amendments, but for a particular clause—the clause respecting the division of districts into wards.

Lord *J. Russell* had stated generally the amendments he meant to introduce, but had said nothing with regard to that part of the bill, and he had no amendment to propose in it.

The *Chairman* was sure that the hon. Member for Finsbury would be most unwilling to use any expression inconsistent with what was due to another Member. He had no doubt, therefore, that the hon. Member would see the propriety of withdrawing the word "impertinent," which must have been used in the haste and warmth of debate. The hon. Gentleman, the Under Secretary of State, had said, that his reply was not intended to be heard by the House.

Mr. *T. Duncombe* said, his question had been put publicly, and he therefore considered the answer public. He would not press his motion.

Colonel *T. Wood* thought there had been a good deal of warmth about nothing at all. The expression "impertinent" was too strong a one to be allowed to pass by the House. He did not think that the hon. Member for Finsbury could desire to persist in it.

Mr. *T. Duncombe* said, that after the explanation of the hon. Gentleman, the Under Secretary of State, he withdrew it, of course.

Bill ordered to be reported as amended, and amendments inserted to be printed.

House resumed.

COPYRIGHT OF DESIGNS.] Mr. *E. Tennent* said, that in compliance with a suggestion of the right hon. Gentleman, the Vice President of the Board of Trade, he intended to comprise all the legislation on this subject into one bill. He should therefore move, before going into committee, an instruction to the committee to that effect.

Mr. *Sheil* said, as it was proposed to amend the law of copyright, with regard to linen, cotton, and wool, respecting which there were no less than five acts of Parliament, it had appeared to him that it would be much wiser to consolidate these acts, so as to bring the law of the subject within a small compass. He understood it was intended to extend the copyright of paper-staining to three years. With regard to metals, the copyright in designs extended at present to three years, but the copyright for configurations and shape lasted only one year. It was proposed to make all three years.

Mr. *Hindley* asked, whether the protection to be given was to date from the registration, or the publication of the design?

Mr. Sheil thought that point would be better discussed in committee.

On the motion of Mr. E. Tennent, the House went into committee *pro formâ.*

Mr. Hindley having repeated his question,

M. *E. Tennent* said, the protection was to date from the registration.

Amendments agreed to.

House resumed.

Bill reported.—To be re-committed.

AMENDMENT OF THE CRIMINAL LAW.] Lord *J. Russell* rose to move for leave to bring in a bill to amend the criminal law. An hon. Member whom he saw on the opposite side of the House had introduced a bill in the last Session of Parliament, and also in the present, for the important purpose of abolishing capital punishments. It was for the House to consider whether they would go further than the extent to which they had hitherto gone, in the mitigation of capital punishment, and if so, to what extent they would go. The hon. Gentleman stated last year that it was his opinion — and he (Lord John Russell) hoped he did not misrepresent it—that capital punishment might be abolished altogether. That was not the measure which the hon. Gentleman proposed to the House but he proposed a measure for abolishing capital punishment excepting in the cases of treason and murder. The principle on which the hon. Gentleman went was a very clear and distinct one. He proposed to abolish it by two steps; first, by the bill which he had already brought in; and secondly, by some measure which should abolish it altogether. He was not persuaded that it was necessary, or rather he was not persuaded that it was expedient, to abolish capital punishment altogether, because he thought there were certain offences for which it was necessary to retain it. At the same time, in forming an opinion on the subject, they must look to the changes which had been already made in the criminal law. They must see how far those changes had already operated well, and they must see whether public opinion would go along with them in the maintenance of the present law; because the ultimate decision in each particular case being by a jury—that is, the persons who were ultimately to decide whether the life of a human being was to be taken away or not, being selected generally from the body of the people, it must depend very much on their opinions whether or not any capital punishment should be inflicted. If it was a general opinion, however erroneous, that capital punishment should be inflicted for certain offences; although you might say the punishment was excessive—although you might say there was nothing in the offence itself which required that extreme and irrevocable punishment; yet, so far as the prevention of crime, the great object of criminal law, was concerned—if the opinion of the great body of the people was in its favour, it did tend to accomplish its end. For instance, not a great many years ago, in a single circuit in the country, after the verdict of a jury had convicted fourteen persons of the crime of sheep-stealing, a judge had thought it right to leave all these men to be executed. That might appear excessive and extreme punishment. However, the judge had thought it his duty to inflict it—the jury had thought it their duty to find those persons guilty; and with regard to the crime of sheep-stealing, it was effective in preventing it for a certain time. But if the public opinion in this respect had changed—if the declaration of the law was, that certain crimes should be visited with death—and if the repugnance on the part of juries to its infliction was such, that although the indictment might be found by the grand jury, and although the evidence before the petit jury might be conclusive, yet that they should bring in a verdict of not guilty, in spite of the evidence, then such a law did not attain its object. Crime was not prevented, because the persons willing to commit crime would not be deterred by the fear of death; because, whatever was the declaration of the law, they would look at its operation by the verdict of the jury and to the sentence of the judge, and by the recommendation of the judge to the Crown; and finding that such sentences were scarcely ever executed, they would not be deterred by the mere chance of the punishment from committing offence. Therefore, omitting all other questions—all questions raised by many persons in the country, and by the hon. Gentleman opposite—as to the justice or lawfulness of executing the punishment of death in any case, and looking only at what he thought was the object of society, namely, the prevention of crime, he thought they should consider how far the criminal law as it at present stood was suited to that purpose. They had made very great alterations in the criminal law; they had reduced the number of offences punishable by death, and, with respect to certain offences, there were laws in the statute book inflicting the penalty of death, but which were not in fact executed. The hon. Gentleman opposite had taken the whole question together, and proposed to make his alteration by one bill. He (Lord John Russell) did not believe that they could abolish the punishment of death altogether, and therefore he proposed to take a different course. He should propose to consider offences separately, with the exception of a certain number of offences, with respect to which there could be no doubt on the mind of any person whatever. They had abolished the punishment of death with regard to many grave offences. They had abolished the punishment of death generally with respect to the crime of forgery. Still there were certain offences of that nature for which the penalty of death was retained, either from the influence of certain parties, accustomed to place their security on the infliction of capital punishment, or because the legislature *per incuriam* had passed over those cases. They were certain crimes of embezzlement by the servants of the bank of notes, bills, and annuities, certain crimes against the South Sea Company, and forgery of the stamps on gold and silver plate. When a principle had been established by the Legislature, there was no doubt whatever that they ought not to leave on the statute book announcements of the punishment of death, which no judge would inflict; for although he might conceive it necessary to pronounce the sentence, he would not think it his duty to allow it to be executed, but would send a strong representation to the Crown that such crimes ought not to be punished with death. Therefore, he proposed, in the first place, to bring in a bill to abolish the punishment of death for certain offences of embezzlement, fraud, and returning from transportation on this side of St. Helena. With regard to this bill, he did not imagine that any doubt could be entertained. He confined it to subjects of which he thought there could be no doubt, and he thought it might pass without hesitation, either on the part of that or the other House of Parliament. There was another subject with regard to which he had stated that he differed in opinion with the hon. Gentleman opposite last year; not that he thought there should be no amendment with respect to it, but that he could not consent to the total abolition of capital punishment—which the hon. Gentleman recommended—he meant the offence of destroying or burning ships in the Queen's dock-yard. He conceived that when that offence was committed with a view to destroying the ships of the navy, or to destroying the naval stores of the country as collected in the dockyards belonging to the Crown and the public, that it was an offence of a treasonable nature. Such an offence might be rarely committed, but when it was committed, and with the intent to cripple the naval means of this country, and prevent her Majesty from using the force of the Crown against the aggression of foreign enemies, it was an offence of so serious a nature, and partaking so much of the character of treason, that they ought not to take away from it the severest punishment. At the same time, the act inflicting this punishment was drawn in such a manner as to involve cases in which there might be no destruction of naval stores, no treasonable intent, nor any view to cripple the resources of this country. He proposed, therefore, to amend the act in that respect, and to endeavour to confine capital punishment as much as possible to the greater offences he had mentioned. The next offence was certainly one on which the greatest doubt and embarrassment were felt, and on which the Government had come to a decision with very considerable difficulty: he alluded to the offence of rape. With regard to that, he felt no doubt in saying, that when it appeared in an aggravated form, when the circumstances accompanying it showed it to be an offence of violence, with nothing that could mitigate its character, it ought to be punished with the severest punishment that could be inflicted. But when they considered the offence as it was brought before courts of justice in this country, very great doubt and difficulty arose. Those who were charged with it were generally charged on the evidence of one person only, and that one not—as in cases of robbery or attempts to murder—a person against whom no suspicion could be entertained, but, on the contrary, persons who were in a certain degree subject to the doubt and suspicion that they were endeavouring to clear their own character by bringing serious charges against another. These were matters that much affected the minds of the juries. When the question was brought before a jury, they sifted very narrowly into all these circumstances, and it very often happened that the statement of the prosecutrix, the manner in which her evidence was given, the circumstances with regard to the previous life of both parties—the circumstances that happened immediately before the offence was committed, were inquired into. When they found that all these circumstances were weighed together, they must consider that there was a repugnance to a verdict in those cases which would end in taking away life. When they considered that there was a general impression that nothing but the most certain evidence could induce a jury to bring in a verdict upon a capital charge, they might very well conceive that there had been many verdicts of acquittal of persons who had really committed the offence, but against whom there was not that certain evidence that would induce a jury to bring in a verdict that might end in taking the life of the prisoner. These were considerations that he had no doubt very much affected the minds of juries; but he had returns that would show that where there had been capital punishments inflicted for the perpetration of the offence, they had a very powerful effect in producing verdicts of acquittal subsequently for the same offence. In the administration of the criminal law, they must consider, that the judges had great opportunities in going their several circuits, of observing the impression produced upon gentlemen forming the grand juries, next on the class of persons on the petit juries, and next upon the barristers, and various officers in these courts of justice, as well as indifferent persons who attended these courts, as to what was the administration of the criminal law. Therefore it was, that the opinions of the judges—he did not say on any one case, but generally—were to be regarded as of paramount importance, and entitled to the greatest weight. He was unwilling to state the opinions of the government on this subject, when he referred to the judges, because he was anxious, when he heard what was the impression of an individual judge to ascertain if it should be confirmed by subsequent experience. He had found it so confirmed. When he had the honour of acting as Secretary of State for the Home Department, a case of rape had occurred in which more than one person had been concerned. There had been three persons concerned, and, therefore, it was one of the cases of rape which was generally considered as an aggravated case, and in which the punishment of death might be inflicted. The judge before whom the case had been brought informed him, that if he did not make any objection as Secretary of State, he, as judge, would recommend that life should be spared. Finding this to be the opinion of the judge, and knowing him to be a person of great intelligence, ability, and learning, and he himself not being averse to spare life when a person of such high authority told him that he thought it would be proper to spare life, he stated to the judge, that if such a recommendation were made to him he would at once suggest its adoption by the Crown. The recommendation was made, and the life of the person was spared. Other cases had since occurred, and it had been found that judges generally agreed in the opinion which he had just mentioned, and they thought, with regard to cases in which there had been a conviction for rape, that the capital sentence should not be executed. He had referred to the state of opinion of the judges on this subject, and he now would refer to that of the juries. He would quote returns which bore upon this point; but he did not say, that they were such as that any one could deduce inferences as naturally depending upon them, but still they were very remarkable, as showing what had occurred upon this subject. The general result of them was this, that where there had been executions in one year for rape, the proportions of convictions in the next year, for the offence, were less; thus showing, that there was a feeling certainly against the execution of the capital sentence. The returns, however, he referred to were not to be taken as altogether accurate, as they were only taken for a very few years, and were not put forward by him as conclusive; but still they gave to the House these results;—

> "In 1834 there were fifty-five prisoners acquitted; there were eight convicted, the total number tried being sixty-three; four of the eight convicted were executed, and four transported for life. The proportion convicted was one in eight.
>
> "In 1835: acquitted, fifty-two; convicted, four, all commuted to transportation for life. Proportion convicted, one in fourteen; but the numbers convicted of the minor offence—the assault with intent to ravish—were increased one-fourth.

"In 1836: acquitted forty-six; convicted, nine; 1 executed, eight transported for life. Proportion convicted, one in six; and a slight decrease in the minor offence.

"In 1837: acquitted, sixty-seven; convicted, six, all transported for life. Proportion convicted, one in twelve.

"In 1838: acquitted, thirty-two; convicted, seven; six of whom were transported for life, one imprisoned one year. Proportion convicted, one in five and a half.

"In 1839: acquitted, sixty; convicted, seventeen; all commuted—fifteen to transportation for life, one for ten years, one imprisoned one year. Proportion convicted, one in four and a half.

"In 1840: acquitted, thirty-eight; convicted, eighteen; all commuted—fifteen to transportation for life, three to fifteen years' transportation. Proportion convicted, nearly one in three."

The result, therefore, of these returns was this—at least it might be put in this way: that where there had been executions one year, the effect was, that the next year there was a less proportion of convictions, and since it had become the practice in cases of conviction to inflict the minor punishment of transportation, the proportion of convictions had been greater. Now, if he thought that that was the general result, and without relying much on the returns, they might say that there was such a general tendency of trials for this offence, then it was of more importance for the purpose of preventing crime, that they should have a law by which there should be a greater proportion of convictions, than a law which would give but a small proportion of convictions. The great object of law was, that those who were guilty of crime should be punished; and whether the punishment be death or transportation for life, still if there was a certainty or something nearly amounting to a certainty, that punishment would be inflicted, it would be more likely to prevent crime than if they made it a matter of lottery, where one in ten, twenty, or thirty, might be executed; but the rest go scot free. The disposition of the human character was this—rather to take the chances of acquittal, with a chance of execution, than incur the probability, the very strong probability, of severe punishment, whether that was to be banishment or imprisonment, as the result of crime. It seemed to him, therefore, with respect to this crime of rape, that they ought to take away the punishment of death. At the same time, it was one of those crimes with respect to which, if they regarded particular instances of it, and considered the violence and atrocity with which it was committed, looking, too, at it as a conviction for a moral offence, it was not an offence, he was sure, that the House or the country generally, would consider as one for which an extreme punishment ought not to be inflicted. But looking at a question of this kind, with regard to the effect of their criminal law, they must, he said, consider what their criminal law was to be, and what it can be. They could not make a criminal law, and they did not profess to make one, that could reach every moral offence, according to the degree of its moral guilt, and punish it in proportion to its enormity. They could not assume to themselves the Divine power, and affix to every moral crime the penalty that ought to be attached to it. This was beyond their power; but if it were not, in this instance, they would find that there were other offences to which they could not attach such penalties as would be adequate for the offences that had been perpetrated. For instance, there was the case of slander—the slander he would suppose, of a young and innocent woman by some disappointed person, and who attacked her reputation, by which her happiness would be for ever blasted, her whole life embittered, and gradually sapped, until she sunk into the grave; the peace of her family destroyed, the most flagrant wrong perpetrated upon the unoffending and the innocent: and thus the greatest injury, and from the most malicious motives, inflicted. And yet, if they came to the law, what in such a case was the redress? That there must be some pecuniary damages, while they were conscious that their moral feelings could not be satisfied. Was it that the law was wrong in this respect? By no means; but it was because the offence was beyond the law and above the law. It was an offence that could only find its punishment in the feelings of mankind, its punishment must be in the conscience of the offender—its punishment was in the retribution of an eternity; but they, as men, could not attempt to assign to it its adequate punishment. With regard to rape, it must be admitted that there were certain cases deserving of the punishment of death; there were cases deserving of the most extreme punishment; but then, when he asked persons engaged in the Administration of the law how they were to make the distinction, and where they were to draw the line as to the offence that was to be punished with death, and such cases as where the offence should be declared not to be capital, he never was able to obtain a definition that was satisfactory to his own mind. It had been proposed, that where the offence was committed by more than one, and, as such, where no consent could be supposed, but where the offence must be regarded as accompanied with brutality and violence, that then the punishment of death should be inflicted. But then he did not think that they were able so to distinguish them, when they considered the vast gulf or chasm that separated the punishment of transportation for life from the punishment of death. He did not think they could make that distinction sufficiently marked when they said that there should be a certain offence of rape punishable with death and a certain offence of rape not so punishable. No definition could be so strongly marked as to fill up the chasm between the fact of taking away life altogether and any other punishment—at least, he could find none that could satisfy his mind that a certain offence should be punishable with death, and a certain other should not. He had stated this case as it appeared to him, and because it was not a subject upon which he had so much doubt, until he had seen the opinions of the judges, and not till he observed what was the result of convictions upon juries. Considering, then, the circumstances he had stated, and considering how desirable it was to effect the prevention of the crime for the future, he must say, that it did appear to him that the crime would, by the infliction of the punishment next to death, be more likely to be prevented than by preserving upon the statute-book the punishment of death, which, after the opinion of the judges, they would never feel justified in inflicting. At the same time, it was an offence for which he would not have a light punishment. He proposed, that it should be punished by transportation for life; or, in the lightest degree, for fifteen years. He believed he had now stated the nature of the three bills which he proposed to bring in. He did not propose to make any alteration with respect to the act of 1837, with regard to attempts to murder, or with regard to burglary with violence, or other offences stated in the 1st Victoria. He did not mean to say, but that there were some offences in which it might not hereafter be right to take away the punishment of death; but he did not propose to include them in the bills he now meant to bring in. He would rather reserve his arguments on these matters when the hon. and learned Gentleman opposite proposed to bring in his bills. He had stated to the House, when he had formerly spoken on the motion of the hon. and learned Gentleman, that he thought it would be expedient that a general review should be taken as to the whole subject of criminal law, and particularly as far as the punishments of transportation and imprisonment were to be regarded. These were to be found in various acts passed at different times; and the consequence was, there was no uniformity in the distribution of these punishments. He found, upon looking over the acts of Parliament, so much complication in the whole subject, that he believed it would be very imprudent in them, without farther and more full consideration, to bring in a bill on this subject. He meant to bring in a bill on the subject of transportation at a future period of the Session. He meant, having brought it in, to leave it for full consideration, and then not to propose to pass it this Session. He thought it much better, with subjects of this kind, that when anything was proposed of so much importance, that it should be fully canvassed throughout the country, so that persons most competent to give an opinion should have the power, if they thought fit, of communicating with the Government or Members of Parliament, and that they should proceed with the utmost deliberation, to frame such a law. Much, he thought, had been done of late years, and great progress had been made in the mitigation of the extreme severity of the law, but at present the greatest evil was the general uncertainty of the punishments to be inflicted. He was of opinion, that they ought not to relinquish the power of inflicting capital punishments in certain cases. He thought, that the punishment of death ought to be retained for certain great offences, where persons guilty of them were duly convicted, and when they were without mitigating circumstances. In another great class of offences in which hitherto punishment of death had been awarded, they should retain the punishment of transportation. Both as regarded England and Ireland, it was expedient to retain that punishment; the punishment also of imprisonment, with hard labour, should also be retained. One most common punishment was hard labour in the dockyards in this country; and this was imposed in lieu of transportation. The Secretary of State maintained that punishment—it was one inflicted by him, and it was his opinion, that it ought to be enacted by statute law. He did not think that they ought to leave it any longer to the office of the Secretary of State, that a person actually sentenced to transportation should be sent to the dock-yards. He thought the punishment a right one; but it was one that ought to be inflicted, not by the Secretary of State, but by Act of Parliament. The recommendation of the judge always decided the course of the Secretary of State; but he would not enter into the question further, and therefore moved for leave to bring in a bill to abolish the punishment of death in certain cases of embezzlement and fraud, and in cases of persons returning from transportation on this side of St. Helena.

Mr. *F. Kelly* said, he should do great injustice to the noble Lord, and equal violence to his own feelings, if he hesitated for one moment to express his gratification at the statement which the noble Lord had just made, of his sentiments with respect to the present state of the criminal law; and if he were compelled to say, that he had heard that statement with sentiments not unmingled with regret and disappointment, he did so with reluctance, and it was with great regret that he made the admission. Still he had experienced very great satisfaction on learning what the views of the Government were upon this important topic. The noble Lord, in adverting to his bill for abolishing the punishment of death, had said, that it went a great deal too far, and that he called upon the Legislature, not to do more than experience had shown they could do consistently with safety. But when the noble Lord declared his disapproval of it, and called upon the House to refuse its assent to it, because he, and others who thought as he did, looked ultimately to the entire abolition of the punishment of death, he must beg leave to say, that the noble Lord had taken an unworthy and imperfect view of a very imperfect question. It certainly was true, as the noble Lord had said, that he and others who thought as he did, looked to the abolition of the punishment of death as to one of the greatest benefits the legislature could confer upon the community, and he believed that posterity would look back on the punishment of death with the same feelings of horror that the present generation looked back upon the practice of torture. Nor let it be forgotten that in those days when torture was practised there were men, bearing a good character for humanity and lenity, who were, notwithstanding, such was the spirit of the times, not reluctant to adjudge the torture to criminals. He called the attention of the House to his bill upon its own merits, and by those merits was the House to consider it and to judge it. If the bill was good, he hoped and believed it would be passed. If bad, and if it could be proved to be so, he would consent to its rejection. But in dealing with the topics which the noble Lord's speech had suggested to him, he felt that he might appeal to the noble Lord himself whether he had acted upon the principle which he had laid down for the guidance of the House in the rejection of his bill. Did the noble Lord, in bringing forward that great measure which he had promoted and successfully carried, act upon the principle which he had just laid down? Did he act upon the principle that because some of those who acted with him in promoting that great measure went much further in their views of reform than he had done the bill itself ought to be rejected. Such was not the noble Lord's conduct on the Reform Bill, because if the noble Lord had shown such suspicions over the motives of those who acted with him, that great measure would never have passed either House of Legislature. He concurred in the other remarks of the noble Lord, he fully admitted the truth of his observation, that no act of Parliament could carry the weight or authority of a law, or could ever be generally prevalent with advantage to the community unless the people themselves gave it their voice and sanction. It was impossible to administer the law unless the jurors were convinced of its justice, and those who, like himself, were conversant even with the civil jurisdiction, were aware that this feeling was extended even to the civil courts. But in criminal law these prejudices rose to a much higher pitch, and unless the juries were entirely accordant with the law, they would not aid in carrying it into effect; and the point upon which he most relied, in bringing forward his measure, for abolishing the punishment of death, was, that the people at large out of whose number the jurors were chosen, did partake entirely the same sentiments which he entertained upon this subject. Agreeing, therefore, as he did, with the noble Lord, and gratified as he was with the bills which he proposed to bring in, he could not do more than express his extreme disappointment at finding the noble Lord stop short of the mark, and that he still continued to be unwilling to concur in his proposal to abolish death for setting fire to stores in a royal dockyard because that crime partook of the nature of high treason. He must take the liberty of reminding the noble Lord that the principle upon which the bill of 1837 was founded was that of abolishing death in all cases where property alone was concerned; and he was not aware that any single exception was made to punish offences against property with death except in the case of setting fire to a royal dockyard. If the words whereby this exemption was made in favour of royal dockyards were examined they would be found, with all due respect to the noble Lord, to have no meaning. Was the distinction made because the dockyards contained royal property? If so, why was not the property of the Queen in the royal palaces so protected? Why was the offence of burning a palace or that of stealing the crown-jewels, not still punishable with death? They were not so punishable because that species of property came under the general principle of the act of 1837, and to steal them or to destroy them by fire was no longer punishable with death by that act. If, therefore, the noble Lord would apply the great powers of his mind to the examination of what high treason consisted in, he would find that, in those cases where high treason did not affect life, it ought not, according to his own principle, to be visited with death under the bill of 1837. He might say that if there were any offences under the law, which those who committed them were of a class, who, under their peculiar circumstances, were less likely to be deterred from their commission by the punishment attached to them, they were those of attempts to destroy naval stores, or the bulk of property in her Majesty's dockyards. No subject could have any temptation to commit such an offence, unless an emissary from a foreign enemy. But, considering all the circumstances of the present case, he would ask, was this a crime in which it was necessary to carry out an extreme punishment against persons guilty of it? The noble Lord should feel that this was an offence, which, though it might partake somewhat of a character of high treason, ought to come within the scope of that measure, which was applicable to the destruction or stealing of property, under the bill introduced by the noble Lord in 1837, and which consequently ought to be exempt from the punishment of death. He had not heard the noble Lord, in the course of his observations that night, refer to the attempt to commit murder or burglary, or robbery of property with violence, which might endanger life. He understood that from the fact of the noble Lord's silence on these cases, he was disposed to maintain the system of capital punishments with respect to this class of offences; and if such was the case, he confessed he heard that impression of the noble Lord with great regret. He thought the application of a system of milder punishment might be used in those cases, even upon clearer grounds than upon those upon which the noble Lord had already consented to the abolition of such punishments. If it were considered expedient, with a view to secure a proper number of convictions by taking into consideration the feelings of juries, he thought those cases to which he then referred were much in favour of his argument. By taking away the idea of severe punishments, they left a jury more inclined to examine closely the evidence against a party than where a capital punishment was the consequence of a conviction. Formerly violence with intent to commit grievous bodily harm, whether attended or not with murder, was a capital offence. But of late years that had been changed, and he conceived that no public act to which the noble Lord opposite had been a party had reflected more credit upon him, had been more productive of general benefit, than that bill of 1837, by which an assault with intent to commit grievous bodily harm, was made only liable to the punishment of transportation for life. Subsequently to the passing of that act it had become customary in all indictments to charge the prisoners arraigned for murder, not only with the attempt at that crime, but also with intent to do grievous bodily harm. It was now the unvarying practice to introduce those two distinct counts, whereby juries had the opportunity of finding parties guilty of the offence subjecting them to the minor punishment, and for his part he did not then recollect one case where these two counts had been introduced in which the prisoner had been convicted of the capital offence. He was alluding to this subject, not only in order that he might congratulate the noble Lord upon the course he was now pursuing, but that he might beseech him to bestow his attention, as they had not yet gone into committee upon the subject, namely—whether the conviction of the guilty would not be better secured if they, in the consideration of the present question, adopted the principle contended for with regard to attempts at murder. They should consider that the law was not the less properly administered if the next severest punishment to a capital one was attached to crimes which did not deserve the latter. He could not conclude the observations which he was then making, without again pressing upon the attention of the House an argument which he had on former occasions used,—if they did not seek to revenge a crime, if they did not wish to infringe upon that which was the attribute of a higher power, if they sought to prevent the commission of crime, they would do well not to make the same punishment attach to an attempt at murder as to murder itself. He conceived if they retained the punishment of death for murder, they did all that the law could do; they afforded as much protection to the community as they could. But so long as they punished the criminal who only attempted it in the same manner, they took away from him all indisposition to strike the final blow—to remove any witness that might appear against him—and therefore they only held out an inducement to the guilty to perfect the crime which otherwise he might have left undone. He trusted, in conclusion, that the noble Lord would, before he proceeded further, take the matters, to which he (Mr. Kelly) had called his attention, into his most serious consideration; and he hoped the noble Lord would more extensively than he had yet proposed introduce a modification into our legislation which would be not only creditable to the noble Lord, but highly beneficial to the country. With respect to the question of secondary punishments he had to express that he felt very happy the attention of Government had been turned to this subject; and for his part he trusted, they should all see the time, for that it would come he did not entertain a doubt when capital punishments would be totally abolished, and a satisfsctory system of secondary punishment adopted, which would be found more effectual in restraining crime, and more beneficial to the community, than any other which might be suggested.

Mr. *Shaw* agreed in much of what had fallen from the noble Lord; indeed he might say that he concurred in all the principles the noble Lord had laid down as applicable to the administration of criminal justice generally; but he thought that both the returns and the reasoning upon which the noble Lord relied, were in some degree fallacious as regarded the crime of rape. He admitted the general rule in criminal jurisprudence to be, that punishment should be certain and moderate; and that the proportion of convictions to prosecutions was generally a safe criterion by which to test it. In rape, however, he considered that it was otherwise, and that the policy of the law and real justice required that the convictions should be few in comparison with the charges brought, but that when there was a clear conviction, free from the possibility of a rational doubt, that then the punishment should be extreme; in ordinary cases—such as robbery or attempt to murder—the prosecutor was influenced by no interested motive; he made the accusation under the sincere impression of the guilt of the accused party—while in rape, the charge was frequently made to hide the shame of the party preferring it—to force a marriage—or to indulge a revengeful feeling towards the person charged. In all such cases justice lay in an acquittal; but if the accused was really guilty, then whether you regarded the moral guilt of the offence—the heinous crime of the offender—or the injury done to the sufferer—an injury worse than death itself to an innocent and virtuous woman—no punishment which the law awarded for any crime could be disproportionate to that. When the doubt of the jury arose from a feeling that the punishment was more than commensurate with the offence, there the penalty should be mitigated—but where the doubt was sincere, from the difficulty of proof, as in case of rape, where the accusation was easily made, and extremely difficulty to rebut, he would not remove a single obstacle to the conviction; but if it was obtained under circumstances that left no room for doubt in the minds of either judge or jury, then he would not abate one jot from the just severity of the punishment. The returns to which the noble Lord had referred, might be accounted for by a real diminution of the crime and an increased number of unfounded accusations, both arising from the severity of the punishment, although it was not more than justly severe—and he apprehended some danger lest a relaxation of the punishment might lead to a less rigid caution in convicting where the evidence was not clear and satisfactory—where the consequence would be only transportation—while the noble Lord seemed himself willing to allow, that if the offence was conclusively brought home, then capital punishment was not more than commensurate to its aggravated and atrocious character. He was no friend to undue severity of punishment—he was in favour of its general mitigation, and of limiting the number of capital crimes; but he was persuaded with the noble Lord that the penalty of death could not safely be dispensed with in all cases; and he differed with the noble Lord in considering that the case of rape, clearly proved, was one in which it ought to be continued.

Sir *C. Douglas* concurred, with the opinions of the right hon. Gentleman (Mr. Shaw), and begged to congratulate his hon. and learned Friend (Mr. Kelly) on the perseverance which he had shown, during the last and present Session, in bringing this important matter before the House and the country.

Mr. *Ewart* had some years ago been anxious to direct the attention of the Government to this subject, and, therefore, he saw it taken up by his hon. and learned Friend opposite, who was so competent to the task, with much pleasure. With regard to the destruction of property in dockyards, consisting of naval stores, he did not think that juries would in general draw that fine distinction between the property of the Crown and that of private individuals which the noble Lord the Secretary for the Colonies required. If it was proposed to make offences of this description subject to capital punishments, he could not avoid thinking that jurors would feel some repugnance at subjecting men to them, and would, therefore, be most likely to acquit the prisoners. He objected to the power of committing punishment now vested in the Secretary of State, because he thought that all such powers ought to be exercised *coram populo.* It was true it might be said that the acts of the Secretary of State were open to public responsibility, but they were not open to public inspection. With regard to outrages on females, he could see no reason why crimes of that nature should not be subject to the same proof as others, or why a severe rule should be applied to them alone. The noble Lord had most satisfactorily shown that, in proportion as punishment had been mitigated, crime had decreased, and he was happy to be able to confirm that statement of the noble Lord, and to refer to the crime of cattle-stealing as a proof. He could state from authentic documents that, since the mitigation of capital punishment, convictions had increased in the proportion of three to one. He was sorry that the noble Lord held out no hope of any definite period, for the total extinction of capital punishment. The noble Lord, on a motion of his last year on the subject, reminded him that in Tuscany, where capital punishment had been abolished, it had since been revived, but he was happy to be able now to inform the noble Lord, that no execution had taken place there for the last ten years. He congratulated the noble Lord on the support he received from the Gentlemen opposite, in his endeavours to mitigate the severity of the criminal code, inasmuch as the noble Lord might rely on those who professed the same political principles as himself, for they were great advocates of the abolition of extreme penalties.

Mr. *Philip Howard* thought that nothing but the dread of death would be sufficient to deter some men from crime, and if it was expedient to remove the punishment of death from outrages committed by one man, still it would be manifestly unjust to expose a female to be attacked by more than one, when no spirit or strength would enable her to resist the assault upon her honour. If the penalty of death were removed from burglary when murder was not committed, that was certainly an inducement to the parties not to proceed to murder; but here the House was about to remove the safeguard of female honour, and he must solemnly protest against such a proceeding, because if they deprived a female of her honour, what, in the name of HEAVEN, did they leave her.

Leave given, and the three following bills were brought in and read a first time, namely,

"A bill to abolish the punishment of death for certain offences of embezzlement and fraud, and for returning from transportation out of St. Helena."

"A bill to amend an act of the ninth year of the reign of King George the Fourth, for consolidating and amending the statutes in England relative to offences against the person."

"A bill to amend an act passed in the twelfth year of the reign of King George the Third, for the better securing and preserving her Majesty's dockyards, magazines, ships, ammunition, and stores."

HOUSE OF LORDS,

Tuesday, March 9, 1841.

MINUTES.] Petitions presented. By Lord Kenyon, from the Rural Deanery of Balcombe, and two other places, against the Grant to Maynooth; from the Rural Deanery of Balcombe, for the Repeal of the Roman Catholic Relief Bill; and from the county of Denbigh, complaining of the Consolidation of two Bishoprics in North Wales. —By Earl Mount Edgecumbe, from Bodmin, for Medical Reform.

THE CHURCH OF SCOTLAND.] The Earl of *Aberdeen* rose to call the attention of the noble Viscount at the head of her Majesty's government to certain circumstances which he confessed had filled him with astonishment, and which he was willing to hope had produced no less an effect on the noble Viscount himself. Not many days ago he had occasion to remind the noble Viscount of the declaration which he had made in that House, at the opening of the Session, in regard to the distracted state in which the affairs of the Church of Scotland had been, and still continued to be. The noble Viscount then said, that her Majesty's Government had maturely considered the subject, and that they had come to the determination that no alteration in the state of the law ought to be proposed—that it would be executed against those persons violating it, and that those who obeyed it would be protected. The noble Viscount must admit that he had not treated such a declaration in a captious manner, for, however much he lamented the course which Government had thought proper to pursue last year, in regard to the bill which he had introduced, he thought that it would be unwise to throw away any chance of terminating the difficulties which now existed. He held the noble Viscount and his colleagues responsible for the peace and good order of society in Scotland, and it was in consequence of the difficulties in which Government were placed, that he had expressed a disposition to acquiesce in the determination which had been come to by Government; but he told the noble Viscount that, before the declaration which he had made could be either intelligible or useful, it must be honest and sincere. He told the noble Viscount that it was indispensably necessary to bring the subordinate officers of his Government into harmony with himself—that he ought not to permit the declaration which he had made in that House to be contradicted and counteracted by a member of his Government in another place. As the noble Viscount had not dissented from anything which he had said on that occasion, he would now state the circumstances which had occasioned him so much surprise, and to which he wished to call the attention of their Lordships. A few years ago, the commission appointed to inquire into the state of the Scotch universities recommended in their report, that a professorship of biblical criticism should be established in the University of Edinburgh a recommendation against which he had nothing to say, having had the honour to belong to the commission, and having concurred in the report. The establishment of such a professorship, he conceived, would be highly useful; but what he objected to at the present time was, that he believed it had been conferred on a person who had been forward in resisting the law [The Marquess of *Normanby*—No.] He was happy to think that there were doubts on the subject; but it had been announced in every quarter of Scotland—in all the organs of the party to which the Gentleman whose name he was about to mention (the Rev. Mr. Candlish) belonged—that the new professorship was to be conferred on that individual. This fact was trumpeted forth as a proof that the Government had espoused the opinions of that party in regard to the abolition of patronage; and if such was the case, he knew not how to reconcile it with the declaration made by the noble Viscount. To the proposed professorship one of the deaneries of the Chapel Royal was to be attached; and if it had been conferred on the rev. Mr. Candlish, they had given the chair to one of the most active and persevering of those agitators who had taken part in the dissensions of the last three years—a gentleman who, in his own person, had frequently violated the law, and who, times out of number, in his speeches, had stigmatized the sentence of the Court of Session, and of their Lordships' House, as being unholy, un-Christain, and unjust in every point of view. He admitted that he thought the establishment of such a professorship highly proper, but he thought he could show that it was not necessary to select this person to fill it. Whatever that Gentleman's qualifications might be for the platform, nobody would ever pretend that he was particularly celebrated for his acquirements as a scholar; whereas Principal Lee was unquestionably the most learned man in the Church of Scotland, and had, moreover, undertaken to deliver a course of lectures on biblical criticism. It was not, therefore, for want of a person sufficiently qualified to expound that branch of knowledge that they had selected Mr. Candlish for the professorship. In his opinion, Government ought to have adopted the same course in the Edinburgh University that had been pursued by a more northern one, and attached the appointment to the Principalship, for he was convinced, considering the acquirements of Dr. Lee, that he was the person best qualified to fill the chair. He had informed their Lordships of the qualifications possessed by Dr. Lee. He would now state his objections to the appointment being conferred on the Rev. Mr. Candlish: that Gentleman had very recently—within, he believed, the last fortnight or three weeks—committed a flagrant violation of the law, and this appointment could not be viewed by the people of Scotland in any other light, except as a reward for his having done so. Their Lordships were well aware of the situation in which the unfortunate presbytery of Strathbogie was placed. They had fallen under the censure of the church courts for yielding obedience to the sentence of the Court of Session, and for following out the judgment pronounced by their Lordships. The clergymen who had been suspended by the church courts had submitted patiently, for many months, to all the inconveniencies arising from their perplexed situation. A deputation from these gentlemen had waited upon the noble Viscount, who had received them with his usual kindness and courtesy. He sympathized with their condition, and admitted the hardship of their case; but he told them that they had the law on their side, that he could do nothing for them, beyond enforcing the due course of law, and that until the law was found to be unavailing, he thought Parliament ought not to interfere. The deputation had also waited on him; and although he told them, that he was quite ready to present their petition and to state their case, he yet advised them not to have recourse to the strong arm of the law, but to wait, as he felt certain that justice would at last be done to them by Parliament. He told them, that if they proceeded to punish those individuals who had disregarded the interdicts of the Court of Session, they would only create a greater sympathy for them on the part of the public, who entertained the same views, and who would be too apt to forget the justice in their contemplation of the nature of the punishment. On that advice these gentlemen had acted for many months, and would have continued to act in the same spirit of submission, had not a case occurred in which one of the gentlemen had thought proper to claim the protection of the law. It seemed, that a new church had been recently built in the parish of Huntly, within a few hundred yards of the parish church. He understood, that for this purpose a gross misappropriation of the funds collected for the purpose of church extension had taken place, and had been turned away from districts in which spiritual destitution did really prevail. Be that as it might, this Mr. Candlish had advertised, fourteen days beforehand, that he would on a particular day attend at Huntly, and open the new church. At the same time, he requested all those parents who had children to be baptised, to bring them to him for that purpose. He wished that the noble Duke (the Duke of Richmond), who generally took his seat on the cross benches, had been present, because he would have borne testimony to the high character and exemplary life of the present minister of Huntly. This gentleman had thought it necessary to prevent an invasion of his parish, and had had accordingly served an interdict on Mr. Candlish before he left Edinburgh, prohibiting his intrusion in the parish of Huntly; that interdict had been treated with the utmost contempt. Mr. Candlish went to Huntly; he preached at the opening of the new church or conventicle; he baptised several children, and took upon himself all the functions which by law belonged to the established minister of the parish. Notwithstanding this illegal interference with his lawful authority, the present minister of Huntly, he believed, retained extensively the affections of his congregation; but it was impossible to deny, that a considerable part of the population had been led to side with those agitating incendiaries, and had been more or less detached from their established minister. Violent animosities and dissensions among many families had been produced by the agitation of these persons, a state of things for which, as he had before stated, the noble Viscount and his colleagues were responsible. The minister of Huntly having served the interdict on Mr. Candlish was now prepared to follow it up by petition to the Court of Session, praying for punishment on the individual who had infringed the injunction; and if the court granted the prayer of the petition, the rev. Mr. Candlish would inevitably be sent to prison, where he would have leisure to compose the syllabus of his lectures for that professorship which it was said the noble Viscount intended to bestow on him. What were the people of Scotland to think? What meaning were they to attach to the declaration of the noble Viscount? Of course it could not mean that the law, while it remained as at present, was not to be duly executed for the protection of those who obeyed it. It could not mean that those who violated the law were to be rewarded. If the report which prevailed in Scotland of Mr. Candlish's apropintment were true, how was it possible to reconcile an act so inconsistent with the statement of the noble Viscount? How could any credit be given, either by their Lordships or any other persons, to the declaration made by the noble Viscount, if acts so incompatible with such a declaration were done by the Government? If his intention had been to stultify the country, the noble Viscount could not have acted differently. He acquitted him of any such intention. He believed, that the noble Viscount meant honestly; but he would ask him if what had taken place was at all consistent with such a declaration? He had heard the noble Viscount accused of yielding unduly to the influence of an hon. and learned Gentleman in the other House, who was supposed to control the better judgment of the noble Viscount. Whether this were true or not, he would not stop to inquire; but this he would say, that he did not know any accusation which could more affect the character and capacity of the noble Viscount. With regard to the present case, he confessed he was unable to explain the inconsistency of the acts of the noble Viscount with the declaration which he had made, and he therefore wished to ask the noble Viscount whether he was aware of the circumstances which he had stated. [Viscount *Melbourne:* What circumstances?] Whether the professorship alluded to had been conferred on Mr. Candlish—a person who had violated the interdict of the Court of Session by exercising the ministerial functions in a parish from which he had been prohibited by the law of the land.

Viscount *Melbourne* said, that perhaps he was not able to answer the noble Earl in so satisfactory a manner as the noble Marquess near him, who would have saved the noble Earl the trouble of making a long speech if he had been permitted to answer the noble Earl yesterday, when the noble Earl gave notice of his motion. The noble Earl had certainly stated accurately enough the substance of the declaration made by him at the opening of the Session. He did state that he did not think it prudent or expedient for the Government to introduce any new enactment under the present circumstances, and that the law of the land would be allowed to take its course against those who had violated it.

The Earl of *Aberdeen* asked whether Government meant to protect those who had been exposed to inconvenience and injury from obeying the law?

Viscount *Melbourne* said, such a question was quite superfluous when addressed to any government, more particularly when addressed to a government like the present. The question, he thought, answered itself. He would not enter into an argument whether, supposing the appointment alluded to by the noble Earl had been made, there would have been in that case any violation of the declaration which he had made. Reference had been made to his having promoted persons to political situations in Ireland who had held opinions opposed to his own. Undoubtedly this might be true; but he could not see how it affected the present case, because no such appointment as that alluded to by the noble Earl had been made. It had been notified to the town council of Edinburgh that it was intended to follow out the recommendations contained in the report, and to establish in the University of that city a professorship of biblical criticism, but no appointment to the chair had as yet taken place.

The Earl of *Aberdeen* observed, that there was a great difference between bestowing the patronage of government on persons who had taken part in the agitation of Irish affairs, and on persons in the situation of Mr. Candlish. The Irish agitators had not violated the law; however much he might disapprove of the agitation for the repeal of the Union, he did not think there was anything illegal in it; but the clerical agitators in Scotland acted in opposition to the law of the land, and set at defiance the sentence of the supreme court. He trusted that, if the noble Viscount's observations meant anything, they meant that those persons who violated the law should not be rewarded.

The Marquess of *Normanby* said, if the noble Earl had not taken the unusual course of refusing to receive the information that was offered to him on the preceding evening, the present discussion would have been unnecessary. The information which he had received with respect to the merits of Mr. Candlish was very different from that which had been supplied to the noble Earl. As to the professorship, the fact was, that although on the recommendation of the commissioners, her Majesty's Government had agreed upon founding a Professorship of Biblical Criticism, the office had not yet been established, and, of course, no professor had been installed. In consequence of many recommendations in favour of Mr. Candlish, her Majesty's Government had been disposed to give him the appointment, but no communication had as yet been made to him of such intention; and the moment they heard that he had placed himself in opposition to the law, they at once put an end to all further proceedings upon the subject. There was no difference of opinion among the Members of her Majesty's Government as to supporting those who obeyed the laws, and discouraging those who violated them. The noble Earl had taken a most unusual course on this occasion. He not only declared who ought not to be professor, but he also suggested who should fill that situation. So far, however, were Ministers from passing over the merits of Dr. Lee, that they had determined upon giving him one of the vacant deaneries of the Chapel Royal of Edinburgh, in connexion with his situation as principal of the university. It was unnecessary for him to defend the intention which existed to create the professorship, for his noble Friend opposite had been on the commission, and had signed the recommendation that it should be established. He (the Marquess of Normanby) would gladly confer one of the deaneries of the Chapel Royal in Scotland, which had formerly been sinecures, upon the individual who might be appointed to the new professorship. The case, however, at the present moment stood thus—the professorship had not yet been created, though an intention to establish it had been notified; claim of this gentleman had with others been under consideration, and of his fitness for the office he had heard so much that he should have thought him a proper individual to be appointed, not on account of his non-intrusion principles, but because he thought there should be no absolute exclusion on account of feelings and opinions, so long as those opinions came within the law. An objection, however, had been taken, that Mr. Candlish had violated the law, that objection had been taken into consideration, and the result had been that no appointment had been made.

Adjourned.

HOUSE OF COMMONS,

Tuesday, March 9, 1841.

Minutes.] Bills. Read a second time:—Mutiny; and Marine Mutiny.

Petitions presented. By Sir G. Strickland, Mr. L. Hodges, Mr. Grimsditch, Mr. Broadwood, and Mr. C. Hamilton, from Halifax, Kent, Macclesfield, Bridgewater, and other places, against the New Poor-law Bill.—By Mr. T. Parker, from Preston, against Maynooth College, and to prevent Roman Catholic Members of Parliament from Voting on Church matters.—By Mr. S. Barry, from places in the county of Cork, in favour of Lord Morpeth's Registration Bill.—By Mr. Villiers, from Buckinghamshire, for the Repeal of the Corn-laws.—By Mr. O. Gore, and other Members, from Chipping Sodbury, Saxemundham, and other places, in favour of Church Extension.—By Mr. Baldwin, from Proprietors of Newspapers in Exeter, against the Publication of Newspaper Stamp Returns.—By Mr. T. Duncombe, from Liverpool, for the Release of Mr. Hetherington; from Worsburgh, in Yorkshire, for the Release of all persons confined for Political Offences; and from Merthyr Tydvil, for the Release of Frost, Williams, and Jones.—By Sir C. B. Vere, and Mr. C. Hamilton, from Sussex, Minchendon and other places, for Church Extension.

Severn Navigation.] Mr. *Ormsby Gore* moved, "That it be an instruction to the Committee of Selection (if they see fit), to refer the Severn Navigation Bill to a Select Committee." The Severn was a large river, navigable for upwards of 200 miles, and therefore the bill affecting its navigation ought not to be referred to a committee selected exclusively from the representatives of those residing on its banks. It was, in fact, a national question, and this very bill had last year been thrown out on the second reading, on the ground that it was too important a measure to be referred to a merely local committee. One portion of the river which was likely to be improved by this measure was in the county of Worcester. Now it would be hard to refer this question to the Worcestershire list, when Gloucestershire and Montgomeryshire were opposed to it. It might be said, that he might have named a committee representing all the different interests, but that was impossible. The course which he proposed was the more prudent one, and he apappealed to the justice of the House to support him.

Mr. *Labouchere* was at all times unwilling to depart from the rules laid down for the regulation of private business, as it would lead to a recurrence of the evils from which they had already suffered. If they did, Gentlemen would come down to the House, and carry such measures, from the mere force of local interests. No departure from their rules ought to be suffered, unless a case were fully made out. He should act on the present occasion as he had during the last Session, on the occasion of the Welsh Railway Bills. He should not advise the House to consider the question then, but to devolve that duty upon the committee for private business, where the statements and counter-statements of the opponents and supporters of the bill could be more fully considered than they could be in the House. He could not consent to the appointment of a Select Committee. The right hon. Gentleman concluded by moving, as an amendment, that all the petitions that had been presented, with reference to the Severn Navigation Bill, be referred to the Select Committee on Private Business. In moving this amendment, the right hon. Gentleman hoped that the committee would not recommend any departure from the regular course, unless a very special case was made out.

Lord *G. Somerset* agreed with the right hon. Gentleman, that it was proper for the House to adhere to the rules it had laid down, but he thought there were special circumstances in the present case. He considered that the bill ought to be referred to a committee of a more general character than that to which private bills were generally referred.

Mr. *Hope* thought the bill ought to be referred to a committee, constituted of Members who had no interest in the districts through which the river runs.

Mr. *Craven Berkeley* said, it appeared to him that the object of his hon. Friend was solely to obtain an impartial hearing, and he trusted that the motion would be concurred in by the House.

Mr. *Ormsby Gore*, in reply, said, that the course proposed by the right hon. Gentleman, the President of the Board of Trade, was quite as much a departure from the rules of the House as that which had been proposed by himself. He had selected that Committee, because it must necessarily be impartial.

The House divided on the original question, That it be an instruction to the Committee of Selection, if they see fit, to refer the Severn Navigation Bill to a Select Committee:—Ayes 74; Noes 40—Majority 34.

List of the AYES.

A'Court, Captain
Ainsworth, P.
Arbuthnott, hon. H.
Archdall, M.
Attwood, W.
Attwood, M.
Baillie, H. J.
Baker, E.
Berkeley, hon. C.
Bethell, R.
Bolling, W.
Botfield, B.
Broadley, H.
Broadwood, H.
Bruce, Lord E.
Campbell, Sir H.
Cholmondeley, hon. H.
Chute, W. L. W.
Clive, hon. R. H.
Corry, hon. H.
Dalrymple, Sir A.
Douglas, Sir C. E.
Duncombe, T.
Duncombe, hon. W.
Duncombe, hon. A.
East, J. B.
Eaton, R. J.
Eliot, Lord
Fitzalan, Lord
Fitzroy, hon. H.
Forester, hon. G.
Gaskell, J. M.
Gore, O. J. R.
Grimsditch, T.
Hale, R. B.
Halford, H.
Hamilton, C. J. B.
Harcourt, G. S.
Hepburn, Sir T. B.
Hodgson, R.
Hogg, J. W.
Holmes, hon. W. A'Court
Hope, hon. C.
Houstoun, G.
Hughes, W. B.
James, Sir W. C.
Kelly, F.
Lennox, Lord A.
Liddell, hon. H. T.
Lowther, J. H.
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
McTaggart, J.
Marsland, H.
Neeld, J.
Packe, C. W.
Parker, M.
Perceval, Colonel
Philips M.
Pigot, R.
Pollock, Sir F.
Round, C. G.
Rushbrooke, Colonel
Scrope, G. P.
Sotheron, T. E.
Stanley, E.
Tennent, J. E.
Thornely, T.
Vere, Sir C. B.
Villiers, hon. C. P.
Vivian, J. H.
Walsh, Sir J.
Yates, J. A.

TELLERS.

Gore, O. W.
Hope, H. T.

List of the NOES.

Alston, R.
Barnard, E. G.
Barry, G. S.
Bewes, T.
Brotherton, J.
Butler, hon. Colonel
Craig, W. G.
Davies, Colonel
Easthope, J.
Ellice, E.
Estcourt, T.
Ferguson, Sir R. A.
Freshfield, J. W.
Hall, Sir B.
Hawes, B.
Hill, Lord A. M. C.
Hindley, C.
Hodges, T. L.

Hoskins, K.
Inglis, Sir R. H.
James, W.
Labouchere, rt. hn. H.
Mahon, Viscount
Morgan, O.
O'Connell, D.
Patten, J. W.
Pendarves, E. W. W.
Philips, G. R.
Somerset, Lord G.
Stansfield, W. R. C.
Stewart, J.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Turner, E.
Warburton, H.
White, A.
Williams, W.
Winnington, Sir T. E.

TELLERS.

Grey Sir G.
Sanford, E. A.

Instruction agreed to.

LEAVE OF ABSENCE—BARRISTERS.] Mr. Greene moved for leave of absence for Mr. Ingram to go the circuit.

Mr. *Pattison* did not see why leave of absence to barristers going circuit should pass as matters of course. He did not recognize any particular right of barristers to be exempted from their attendance at that House more than other hon. Members, who were obliged to give up their private business for that purpose. There were election committees to be ballotted for; why should legal Gentlemen be exempted from attendance more than others.

Mr. *Goulburn* said, that from the earliest period the House had recognized the advantage of allowing barristers to enter as Members and to go out on circuit. He thought the precedent ought to be followed.

Mr. *Mildmay* would not assent to the principle of allowing barristers to be exempt from the business of the House in this way. If they had any valid claim, let them be exempt altogether.

Mr. *Greene* said, that no objection had been made to the motion for leave of absence for Lord Clements.

Mr. *Wrightson* said, that Lord Clements was not a lawyer, but was going to attend his county as a grand juror.

An hon. *Member* observed, that when the bill regulating election committees was in progress it was clearly understood that barristers were not to be exempted.

Mr. *Goulburn* admitted that fact, but at the same time no objection was made to their being allowed to go circuit.

Mr. *Kelly* observed, that the very first motion for leave of absence for a barrister after the new bill passed was for his hon. and learned Friend the Attorney-general.

Sir *G. Grey* said, that that was a particular case, where his hon. and learned Friend the Attorney-general had to attend a trial at York, and the leave given was only for such time as was necessary for that attendance.

Sir *R. Peel* thought, that if lawyers found their duties as Members of that House onerous, they were not obliged to retain their seats. If there was a pressure of business in the House requiring the attendance of Members, he did not see why lawyers should be exempted more than others, for in such cases they ought to take their fair share of the duties of Members. In former times lawyers scarcely ever attended election ballots. They did not answer to their names, and the matter passed over because a sufficient number of other Members was easily found. If lawyers were allowed to go circuit in the early part of the Session, there was no reason why they might not attend at another time. In the present Session leave had been given to some barristers, and, that being the case, he thought it would be invidious to refuse the leave in this instance. However, in the beginning of a new Session, when there might be a press of election business, he thought that barristers might be called on to take their fair share of duty.

Motion agreed to.

Colonel *Paget* moved, that Mr. W. O. Stanley have leave of absence till after Easter, on urgent private business.

Lord *Howick* thought that the nature of the "urgent private business" should be stated before the House assented to the motion.

Mr. *Pringle* was of the same opinion, and would not consent to the motion if such statement were not made.

Lord *Stanley* said, that he happened to be in the same panel as the hon. Member, and it certainly would be very convenient to him to have his attendance put off from the 25th, but though he should have to go down to the country, it was his intention to be back in time for attending at the call of the panel on which his name stood. As the hon. Member's (Mr. W. O. Stanley's) name was in the panel which stood for so early a day, he thought that the nature of the urgent private business should be stated to the House by the hon. Member who made the motion, for urgent private business might be anything or nothing. The hon. Member ought to state in his place that he knew the business on which he founded his motion was of an urgent nature.

Colonel *Paget* said, that as there seemed an objection on the part of the House, he would not persevere in his motion.

Mr. *E. J. Stanley* hoped that his hon. Friend would not withdraw his motion. Of course, the House would act on the same principle in all other cases.

Lord *Eliot* wished that the objection had been stated earlier in the Session.

Leave given.

DARTMOUTH HARBOUR.] Mr. *Freshfield* asked the Chancellor of the Exchequer whether, since the commencement of the present session, any Government agent had been employed to make arrangements at Dartmouth, with a view to the conduct of the West India mail service in that port, and whether it was intended that the expense consequent upon the adaptation of that port to the service in question, or to be incurred in the conduct of the service, should be borne by the Royal Mail Steam Company or by the public?

The *Chancellor of the Exchequer* replied, that on the 15th of January a Treasury minute had been passed deciding the point which had been so long pending, and the authorities of the Post-office had been directed to state what measures would be necessary to carry that decision into effect. On the 4th of February the Post-office recommended that an officer should be sent down into Cornwall to make the necessary inquiries. On the 5th their recommendation was approved of by the Treasury, and an officer was sent down accordingly. As to the payment, that part of the expense which was defrayed by the Government at Falmouth would be defrayed in future by the Government at Dartmouth.

CASE OF MR. T. REEVES.] Mr. *Kelly*, in moving to refer the petition of Thomas Reeves (presented on the 4th February) to a Select Committee said, that in the year 1835 Mr. Reeves had retired after twenty-two years' service as a surveyor of taxes, and it was a matter of importance to know what pension he was entitled to. He would state, and he had no doubt he would be corroborated by the gentlemen connected with the Treasury, that there was nothing against the character of Mr. Reeves to disqualify him for the allowance he was entitled to under any Act of Parliament. On the contrary, he had performed certain services which, at the least, entitled him to the most favourable consideration of the Government. Mr. Reeves, at the time of his retirement, possessed a salary of something under 100*l.* a year. He was also in the receipt of various emoluments, consisting principally of a per centage upon surcharges, which were made when any deficiency or error was made apparent in the assessment of any party to the taxes he was justly entitled to pay. When those surcharges were made the Government generally received much more than the first assessment, and frequently more —sometimes even double the amount, and the Surveyor was entitled, even by Act of Parliament, to a certain per centage upon such surcharges. By that means Mr. Reeves for many years before his retirement had greatly added to his income. The year before his retirement, the per centage amounted to somewhere near two hundred pounds, thus making his income about 300*l.* per annum. The Government admitted that Mr. Reeves was entitled to a pension, but they claimed the right to make certain deductions in the amount. He would say a few words as to those deductions. With respect to the amount of salary, nearly 90*l.* odd, the Government admitted his claim to six-twelfths, or one-half of the salary, but the deductions which they made reduced the sum from 45*l.* to 24*l.*, and that was all the allowance that was made to him. The reason given for the deduction was this: it was said that Mr. Reeves had, by contributing to a certain fund, called a Superanuation Fund, entitled himself to a very considerable amount of retiring pension, and that it was the custom of the Treasury, when a party had contributed money for such a purpose, although he did so out of his own earnings, to hold him disentitled to the full amount to which he would otherwise have been entitled under the Act of Parliament; on this ground the pension was reduced to 24*l.* Considering that for a great number of years, certain extra duties had been imposed upon Mr. Reeves, which, though he might fairly and legally have refused to perform them, he had discharged with the greatest diligence, he thought he might have been fairly held entitled, under another clause of the Act of Parliament, to some additional allowance; at all events, his retiring income should not have been reduced from 45*l.* to 24*l.* It appeared by the petition of Mr. Reeves that he claimed a retiring pension of 6-12ths under the Act of Parliament, not merely in relation to his salary but in relation to the emoluments of his office, amounting to twice the amount of his salary. The Treasury rejected the claim altogether, on the ground that the per centages were not emoluments within the legal meaning of the Act of Parliament which regulated those pensions. If the Government were right in that opinion, he admitted Mr. Reeves had no claim. But if it should appear, as he would venture to say he should be able to make it appear, that the letter had been written without consulting the law officers of the Crown, and that if they had been consulted they must have given a different opinion, he thought he should not appeal in vain when he asserted that the case must undergo reconsideration, and be submitted either to a committee or the Law officers of the Crown. The Act of Parliament which regulated the superannuation allowances was the 4th and 5th of William the 4th, chap. 24, and the case of Mr. Reeves came within the provisions of the 9th section of that Act. He would read to the House the answer Mr. Reeves had received, after some correspondence with the Government, and many applications, and, as Mr. Reeves hoped, after much serious consideration of his case by the Government. The letter was dated June 16, 1837, from the Board of Stamps and Taxes, and set forth fully the grounds on which the pension was granted and limited. It appeared to him that the simple question was, whether the board was right in saying that the per centage came under the head of emoluments or not. It appeared to him clear, that the board had proceeded upon an erroneous view of the case. The Government taxed him upon his commission, not for his salary only, but for his salary and emoluments. So also under the income tax, he was charged not for his salary alone, but also for his emoluments. Now, he would defy any lawyer to say, that a strict construction was to be put upon an Act of Parliament when against a party, and otherwise when in his favour. He would say but one word more with regard to the law of the case. He could assure hon. Gentlemen he would not have brought it under the notice of the House, if he did not feel that the case was that of a very deserving man, of whom he begged to state he had no personal knowledge whatever, nor did he come from that part of the country, which he (Mr. Kelly) was acquainted with; he had been merely recommended to him by a Gentleman who knew of the hardship of his case. The hon. and learned Gentleman here proceeded to read the opinion of Sir William Follett, which had been given in favour of Mr. Reeve's case, and concluded by saying, if the question were referred to a Select Committee, he could prove every statement which was made in the petition.

Mr. *John Parker* said, that the Government acted in this case according to what had invariably been the practice of the Treasury; and, in support of this statement, read extracts from a correspondence which took place between the Board of Taxes and the Treasury in July, 1812. In that correspondence the Board of Taxes stated, that a surveyor's salary amounted to 90*l.* a year; to which there was an additional salary of 20*l.* also yearly; and the Board wished to know from the Lords of the Treasury whether the superannuation pension should be extended to the latter portion of the salary. It appeared from the Treasury minutes, that the Lords of the Treasury were of opinion, that the superannuation pension ought to be extended to the salary of 90*l.*, but that the smaller salary should be exluded. That correspondence showed that the point had before arisen; and that the superannuation allowance was settled on the permanent salary of 90*l.*, and that it did not include those sums of poundage and per centage which his hon. Friend sought to have admitted into the present allowance. Since that period the practice had uniformly been to allow the pension on the permanent salary only. Mr. Reeves entered the public service in 1813 or 1814, and he could not therefore say that he was injured by a rule which had been subsequently introduced. The practice of the Treasury was now as he found it when he entered upon the office; and he had no right therefore to complain. In denying the claims of Mr. Reeves, he begged it to be understood, that the Government cast no imputations upon him, he might have suffered a grievance; but he had only been subject to that which every other public servant was. In the course the Treasury had pursued in this case, they were only following what had been adopted for the last twelve years.

Lord *Teignmouth* supported the motion. The ground that had been taken by the hon. Gentleman who had just sat down, was quite different to that taken by his right hon. Friend, the Chancellor of the Exchequer, last year. The present surveyors of taxes had been placed upon the same footing that they wished Mr. Reeves to be placed upon; and he trusted, therefore, that his right hon. Friend would reconsider the case, and accede to the motion.

Mr. *A. Sanford* felt bound in justice to this gentleman, who was personally known to him, from his having performed the duties of surveyor of taxes in the neighbourhood with which he was more particularly connected, to say that he thought he had not been quite fairly dealt with. He could vouch for the respectability of his character, and, from the arduous nature of the duties which he had performed, he thought that he was entitled to some further consideration.

The *Chancellor of the Exchequer* had three times given the same explanation which had now been afforded by his hon. Friend (Mr. Parker). No doubt he might have construed the case differently if he had chosen, but the Treasury had the power to lay down general rules and to act upon them, without any distinct reference to what might be deemed the strict legal position of the case, and although certain emoluments of office were given, it was not therefore, that they were not to pursue that course which they deemed fit upon consideration of the nature of those emoluments. No deduction had been made from the salary of these officers with a view to the granting of pensions, and therefore no pensions had in any case been given.

Mr. *Hume* said, that he had some years since strongly condemned the vexatious system of emoluments, by which the officers were enabled to raise their salaries from 100*l.* to 200*l.* or 300*l.* a-year. He represented it to the House as an oppressive system, and he believed it was partly in consequence of that, that the system was put an end to. It clearly appeared from the precedents which had been cited, that there was not the least necessity for any further inquiry.

Mr. *Kelly* would detain the House for a single moment, to correct an error into which the hon. Gentleman had fallen. This question had been treated as if under the terms of the Act of Parliament the Government had the discretion either to grant an allowance or to withhold it. He denied that any such discretion was vested in the Government under the Act of Parliament. There was a discretion as to the sum, but none as to whether an allowance should be granted. The individual was just as much entitled to an allowance as any hon. Gentleman was entitled to the rents of his own estate. He had heard that statement with the greatest astonishment, and he trusted that the House would not be induced to sanction it.

The House divided on the question that the Petition of Thomas Reeves be referred to a Select Committee:—Ayes 27; Noes 38:—Majority 11.

List of the Ayes.

Douglas, Sir C. E.
Farnham, E. B.
Freshfield, J. W.
Grimston, Viscount
Halford, H.
Hepburn, Sir T. B.
Hodgson, R.
Hughes, W. B.
Inglis, Sir R. H.
Jones, J.
Lockhart, A.
Mackenzie, T.
Mackenzie, W. F.
Miles, W.
Morgan, O.
Neeld, J.
Pringle, A.
Rae, rt. hon. Sir W.
Richards, R.
Round, C. G.
Rushbrooke, Colonel
Sanford, E. A.
Scarlett, hon. J. Y.
Trotter, J.
Turner, E.
Vere, Sir C. B.
Vivian, J. E.

TELLERS.
Kelly, F.
Teignmouth, Lord

List of the Noes.

Baring, rt. hon. F. T.
Barnard, E. G.
Beamish, F. B.
Blake, W. J.
Broadley, H.
Brocklehurst, J.
Brotherton, J.
Busfeild, W.
Butler, hon. Colonel
Childers, J. W.
Clay, W.
Dalmeny, Lord
Duke, Sir J.
Elliot, hon. J. E.
Ferguson, Colonel
Gordon, R.
Grey, rt. hon. Sir G.
Hamilton, C. J. B.
Heathcoat, J.
Hector, C. J.
Hodges, T. L.
Howard, P. H.
Howard, hn. C. W. G.
Hume, J.
Humphery, J.
Lascelles, hon. W. S.
Maule, hon. F.
Muskett, G. A.
Pinney, W.
Seymour, Lord
Stansfield, W. R. C.
Thornely, T.
Troubridge, Sir E. T.
Williams, W.
Wood, B.
Worsley, Lord
Wyse, T.
Yates, J. A.

TELLERS.
Parker, J.
Tufnell, H.

Putative Fathers.] Mr. *Miles* rose

to move for leave to bring in a Bill to give summary power to justices of the peace, in special sessions assembled, in certain cases of loss of service, or breach of promise of marriage, to impose and enforce penalties against Putative Fathers. The principle of the bill was the same as that of the measure which he had brought in last Session; but some portion of its phraseology was altered in obedience to the wish of the House.

Motion agreed to.

Adjourned.

HOUSE OF COMMONS,

Wednesday, March 10, 1841.

MINUTES.] Bills. Read a first time:—Putative Fathers.—Read a second time:—Double Costs, &c.; Evidence.—Read a third time:—Turnpike Acts Continuance.

Petitions presented. By Viscount Sandon, Mr. Barnard, Colonel Rushbrooke, and others, from Kingsgrove, Deptford, Suffolk, Carmarthen, and other places, against the New Poor-law Amendment Act.—By Viscount Sandon, Mr. Hutchins, Mr. Hodges, the Chancellor of the Exchequer, and the Attorney General, from Liverpool, Shropshire, Kent, Edinburgh, and other places, in favour of the Jews Declaration Bill.—By Viscount Sandon, from the Liverpool Chamber of Commerce, for an Alteration in the Import Duties.—By Mr. Plumptre, from the Deaneries of Kent, and Sussex, for the Repeal of the Roman Catholic Relief Bill, and for the Equalisation of Tithes.—By Sir De Lacy Evans, from Freeholders, Leaseholders, and Householders, in the neighbourhood of Buckingham Palace, for an Improvement in the Sewers.—By Mr. Shaw, from Stafford, against any further Grant to Maynooth.—By Mr. T. Duncombe, from the Operatives of Manchester, for the Release of Mr. Feargus O'Connor; from Barnsley, in Yorkshire, and other places, for the Release of Frost, Jones, and Williams.—By Mr. Baines, from places in Yorkshire, for the Abolition of Church-rates.—By Mr. Easthope, from Protestant Dissenters of Chelmsford, and several other places, for the Total Abolition of Church Rates, and the Release of Mr. Baines from Gaol.—By Mr. Wakley, from Archdeacon Bathurst, of Norwich, against Tithes being charged as at present to Poor Rate; from Leicester, that the People's Charter might be made the Law of the Land; and from various places, against the Poor-law.—By Mr. Hume, from Manchester, for an Extension of the Suffrage; and from a Society at Mary-le-bone, calling itself the National Charter Association, for the Release of Frost, Williams, and Jones.—By Lord Eliot, from Liskeard, to exempt Workhouses from Payment of Rates.—By Mr. Thornely, from Liverpool, for a Reduction in the Duties on Coffee and Sugar.—By Colonel Perceval, from Sligo, in favour of Lord Stanley's Registration Bill.—By Sir Robert Peel, against the County Constabulary Bill; from Kensington, and Knightsbridge, for a Reduction of Tolls on Bridges over the Thames; and from the Attorneys of Bradford, in Yorkshire, that the exclusive right of commencing Suits might be reserved to Attorneys.—By Mr. O'Connell, from places in Donegal, Kerry, and Tyrone, in Ireland, also a petition from Warrington, in Lancashire, in favour of Lord Morpeth's Bill; from the Carpenters of Dublin, in favour of a Repeal of the Legislative Union between Great Britain and Ireland; and from the Farmers and Landholders of Ballymore Eustace, to the same effect.—By Mr. Colquhoun, from Glasgow, for Improvement in the Registration of Births and Marriages, and against the Grant to the College of Maynooth.—By Mr. Antrobus, from Surrey, for Church Extension.—By Captain Jones, Mr. Fox Maule, and Mr. Elliot, from Donegal, Perth, Ayr, Shropshire, and other places, against Intrusion and Lay Patronage in the Church of Scotland.

ABSENCE OF MEMBERS UPON LEAVE.] The *Attorney-General* said he would take that opportunity of vindicating himself from the charge made against him last night in his absence, and he was surprised that any Gentleman could make such a charge. It was stated last night that he had set a bad example, in shrinking from the execution of his duty. But the fact was, that he last Session claimed an exemption from attendance in Parliament, on the ground that he had to conduct an important Government prosecution in a remote county. The right hon. Member for Tamworth concurred with him that he was perfectly justified in asking for leave of absence under those circumstances. As soon as the trial was over he returned to town, and attended constantly in the House for the remainder of the Session.

Sir *R. Peel* entirely concurred with what fell from the right hon. and learned Gentleman—and hoped, for the satisfaction of his feelings, his (the Attorney-General's) name would be placed upon the first committee.

POSTAGE OF PETITIONS.] Mr. *Easthope* asked whether the Chancellor of the Exchequer, who had not been in the House when a conversation took place on the subject of the postage of petitions, whether he could inform the House what was the state of the law respecting the postage of petitions? Was it the case that petitions weighing more than six ounces were chargeable with postage?

The *Chancellor of the Exchequer* said, that under the law before the Penny-postage came into operation, all petitions under six ounces in weight were exempted from postage; and the law on the subject is still unchanged. The practice of the Post-office was not to receive petitions of very great bulk; but petitions of a fair and reasonable size were carried, and, if charged with postage, the money was again returned. If the Postmasters were now under any misapprehension on the matter, he would take care to set them right.

JEWS DECLARATION.] On the Order of the Day being read for the second reading of the Jews' Declaration Bill,

Mr. *Law Hodges* said, the hon. Member

for Exeter had requested him to move the second reading, although it would have been more agreeable to his feelings to have left the matter in the hands of the hon. Member for Lambeth, whose name was on the back of the bill. In performance of the promise he had made to the hon. Member for Exeter, he would now move the second reading of the bill. The House, he trusted, were already aware of the difficulties under which persons professing the Jewish religion laboured with respect to certain offices in the kingdom, and it did not require any lengthened statement from him to justify the motion that this bill be read a second time. When the Test and Corporation Acts were repealed, a declaration containing the words, "upon the true faith of a Christian," was required from all persons taking office that they would not use any power which they might acquire to the prejudice of the Established Church. The 9th of George 4th required that all persons holding office under the Crown should take the declaration within six months after taking office, but in corporations it was required that persons holding office should make the declaration on entering on the duties of their office, or within one month afterwards. Now they all recollected a gentleman who had filled the high office of Sheriff of London and Middlesex, whom they had often seen at the bar of the House with petitions from the City of London, and who had discharged his duties with the highest credit to himself. He had afterwards been elected an Alderman of the City of London, but he had not been able to avail himself of the confidence placed in him by his fellow citizens on account of certain words introduced into the declaration required by the Act of Parliament. From that difficulty Quakers, Moravians, and Separatists had since been relieved, and he sought by this bill to afford the same relief to persons professing the Jewish religion. The same gentleman had afterwards served the office of high sheriff of the county of Kent, and probably it was owing to that circumstance that his hon. Friend the Member for Exeter had requested him to move the second reading of the bill, as it would be satisfactory that some Gentleman connected with that county should have an opportunity of bearing testimony to the manner in which he had discharged the duties of the sheriff of the county of Kent. He had known many high sheriffs, but he never knew one who discharged his duties with more credit to himself, or more to the satisfaction of the county, than Mr. Salomons. There was not a charity brought under his notice, and for which his assistance was required, to which he did not most cheerfully and liberally contribute. There were even instances of that gentleman's contributing to the building of churches in the county of Kent. This instance has not been selected as affecting Mr. Salomons only, but every other man professing the Jewish religion, and as exemplifying the anomaly of the present law affecting those persons. It is well known that by an Act of Parliament passed at the time of this Gentleman's election by the citizens of London to the office of sheriff, called "the Sheriffs' Declaration Bill," he was thereby enabled to serve that important office, but from every other corporate office all persons professing the Jewish religion are still excluded by being required to make the declaration previously to taking the oaths of office. The difficulties, therefore, under which these parties laboured, did not arise from the express provisions of any statute, but from conscientious motives which they had imposed upon themselves, from making the declaration required of them. He had been told that in the corporations of Southampton and Birmingham, persons of the Jewish persuasion were members of the council, and they had become so because those corporations did not require them to make the declaration; it showed, therefore, that it was in the power of corporations from caprice or from any other motive to exclude such persons from situations of honour and trust. That was a state of things that ought not to continue. It was an act of justice to place these persons upon the same footing of equality with the Quakers and Moravians. He was unwilling to take up the time of the House further, believing that they could not do better than to pass this bill, and thus enable the community at large to avail itself of the services of a body of men as much distinguished by their benevolence, their social virtues, and their general qualification for the discharge of all civil offices as any others of the Queen's subjects, and thereby unite in one common bond all classes and persuasions in supporting the authority of the laws. It was upon these grounds that he begged to propose the second reading of the bill.

Sir *R. Inglis* said, that when he last addressed the House on the subject of this bill, he had called it a bill to enable David Salomons, Esq. to fill the office of alderman of the city of London; and the speech just delivered by the hon. Member for Kent fully bore him out in so denominating it. The whole of the hon. Member's argument was made to rest on the personal merits and qualifications of that gentleman. Now the illustrations given of the liberality of Mr. David Salomons, would prove nothing more than this—that he was neither a Jew nor a Christian. If he were a consistent Jew, he would not subscribe his money to assist any set of men in raising a temple to one whom he must consider as an impostor; and if he were a Christian, he could not bear to assume the name and character of a Jew. He had heard of a similar instance of what is called liberality occurring in America. A Presbyterian chapel in New Orleans had fallen into difficulties. A Jew of the name of Tola bought the chapel, and then gave it back to the congregation. Now, was it possible that that man could believe in his own religion as a Jew, when he made that gift, or, if he considered himself justified in making that gift, was it possible that he could remain longer a member of his professed religion? He contended that they were deliberately unchristianizing England, when, for the sake of benefiting a few individuals, they proceeded to expunge from the statute book the declaration "on the true faith of a Christian." [*Laughter.*] In spite of that sneer, he would repeat his assertion. He said that hitherto all offices in this country, whether legislatorial, judicial, or municipal, had been exercised by persons professing Christianity; and now for the sake of an individual who, though not specially named in the bill, was prominently intended by it, they were asked to expunge the declaration "on the true faith of a Christian." Caring little for the sneer with which his words had just been received, he would repeat once more that, as far as this act went, they were unchristianizing England by expunging from the statute-book that declaration, which had hitherto limited all offices in England to persons professing Christianity. He had stated on a former occasion, as a preliminary objection to bills of this kind, that the Jews were a nation which by a peculiar creed was irrevocably separated from the rest of the world. The time would come,—and all good and pious Christians must earnestly desire its arrival—the time, he repeated, would come, when every Jew would become a Christian: but, until that time did come, the Jew of Germany, of Portugal, and of England, derived his character not from the accidental spot on which he happened to be born, but from his parents and from his creed. He was a member not of the great German or English community, but of a people dispersed over every country on the face of the globe. You could not find any paper emanating from the Jews themselves, in which allusion was not made to themselves as a distinct nation. A letter was addressed some years ago to his right hon. Friend the Member for Tamworth, who was then Secretary of State, by a Jew residing at Montreal, of the name of Hart, which in its very first sentence contained these words:—"As a member of a nation of oppressed people, I appeal to you." There were numerous addresses presented to the late Sir Robert Grant—a right hon. and much lamented friend of his, from whom it was always a pain to him to differ, and with whom he delighted, whenever he could, to take counsel—by the Jews of Germany and of Portugal, who considered that his right hon, Friend was acting, not on behalf of the Jews of Great Britain alone, but of all the Jews in every quarter of the globe. He did not see his right hon. and learned Friend, the Member for the Tower Hamlets in his place; but a few years ago a phrase escaped from the lips of his right hon. and learned Friend, as judge of an ecclesiastical court, which showed the natural bias of his mind on this question. "If a Jew," said his right hon. and learned Friend, "contract marriage according to the rights and customs of his own *nation,*" then it is so and so. He, therefore, defied the hon. Gentlemen who answered arguments by smiles and laughter, to separate the Jew from his nation. They were, therefore, naturalizing a foreign people and a creed, whilst they were only proposing to give them civil and religious liberty. This bill was short, but sufficiently comprehensive. He had never seen a bill of which the technicalities were simpler and more transparent. It did not contain more than seven or eight lines, and these to outward appearance were sufficiently innocent. Yet it could not be denied that the object of the bill was to break down the line of distinction which admitted Christians to, and excluded Jews from, office. It had been said that the bill would admit one Jew, David Salomons, esq., to the administration of municipal, and therefore to a certain extent of judicial functions. His noble Friend, who was now at the head of the Colonial Department, had but a short time ago been at the head of the Home Department. Would the noble Lord feel the same security, or would the country feel the same confidence, in the proper administration of municipal functions, supposing a Jew were alderman of London, as it does now, when under the jurisdiction of Christian magistrates? A charge was brought against that unhappy man, Carlisle, for exhibiting blasphemous prints and publications in the windows of his shop in Fleet-street. Those prints and those publications were blasphemous in the opinion of the noble Lord — they were blasphemous in the opinion of the hon. Member for Leicester, and indeed, of all Members who were — he would not use the phrase which was in his mind when he commenced his sentence, but he would say at once, of all Members who were most liberal then in the Legislature. He called upon hon. Members to consider whether they were not placing the individual whom they now wished to qualify for municipal, and therefore for judicial functions, in an invidious position, when they placed him in an office in which he might be called to sit in judgment upon that which he would not consider blasphemy, but which all who then heard him would consider so. Hon. Gentlemen opposite would, perhaps, tell him that this would be a rare and even an extreme case. It might be so; but he recollected, that there were many persons then in the House, to whom he meant no disrespect by the allusion, who had been admitted into it drop by drop, but whose admission he had ever regarded, and ever should regard, as one of the greatest evils that had ever befallen this country. He considered this bill as a kindred step to the admission into the house of Parsees and of Brahmins, which had been hinted at more than once by the hon. Member for Kilkenny. He put it to the hon. Member for Kilkenny, whether he seriously meant to admit the Parsees of Bombay into that House? If he understood the hon. Member rightly, he said he had no objection to the admission of either Parsees or Brahmins into that House, provided they discharged honestly their duties as citizens. Whatever might be the truth or falsehood of that doctrine — on which for the present he would not say a word—as applied to a new state, there could be no doubt that it could not be applied to an old state, as, for instance, to England and her colonies, where Christianity, as by law established, was an integral part of the constitution. He therefore contended, that they were not at liberty to hold this as an extreme case. If they deliberately expunged from the statute-book the declaration, "I do this on the true faith of a Christian," for the sake of admitting a single individual to the exercise of municipal functions, they would deliberately pave the way to the admission of all Jews to all our civil privileges, according to the increasing liberality of hon. Members on both sides of the House. He looked upon the present as a case by which not more than two or three individuals could be benefited. But was the House aware that many Jews, some of the most conscientious among the Jews, objected to the boon that was now offered them? He was sure, that the hon. Member for Lambeth would remember, that about five years ago he presented a petition from Mr. Ebenezer Detmer, praying the House not to pass a bill for the emancipation of the Jews, which was then before it, because it was at variance with the prophecies of the Old Testament. He had himself received at the time a communication to the same effect from an individual of the Jewish creed residing at Cambridge, the Rabbi Crooll. That individual had addressed him privately by letter, and had afterwards addressed to the world the same sentiments in the shape of a pamphlet. The substance of both was the same. In the Rabbi's pamphlet, which was in answer to another advocating the emancipation of the Jews, he addressed his Jewish brethren to the following effect: — "You are mistaken greatly; you are no Englishmen, though born in England, you are no more than foreigners; you have no home in this land or in any other; you are a Jew." In short, the Rabbi stated distinctly, that no Jew could be at once an Englishman and a Jew. He appealed to every Gentleman who heard him, and asked them whether the Jews were like any other foreigners who had sought shelter within the realm of England? For instance, they were not like the Protestant refugees of France, who, after the revocation of the edict of Nantes, flocked in numbers to our shores. In the course of two generations those refugees had merged into the great mass of the English community, but had that, or any thing like that, been the case with the Jews? Again, the Dutch families of Bentinck, Keppel, and Vansittart, who came over here with William 3rd, were now as much English families as those which came over with William the Conqueror. He considered this bill as an attempt to introduce first into our corporations, and ultimately into the Legislature, men, who, of necessity, and beyond the reach of all human laws, were the citizens of a country with which we had, and could have no alliance. He asked how many persons would be introduced into our corporations by this bill? Not more than two or three at most. When the question of Roman Catholic emancipation was before the House, he distinctly said, that if the claim were a claim of justice, he would not deny it, whether it were advanced by the poor or by the rich; by the many, or by the few. In his mind a claim of justice was not affected by the numbers, be they great or small, of those who urged it. In this case the benefit was for the few, the injury for the many; because there being that record on the statute-book, that a declaration "on the true faith of a Christian" was a necessary preliminary to the admission into office, it was now proposed to expunge it for the benefit of a few wealthy individuals, and to the sacrifice of the exclusively-Christian character of our municipal institutions. He was not prepared to expunge that declaration, and he hoped that the House would not afford its sanction to any such change. He begged leave to remind hon. Gentlemen, that we did not invite the Jews into England. Two centuries ago there was not a single Jew in England. (*Hear*, from Mr. Hume.) Did the hon. Member suppose that he (Sir R. Inglis) forgot the *Anglia Judaica*, and the Jews of earlier centuries, their numbers and their sufferings? But the present Jews were not their descendants. They had come in gradually since, knowing the law under which they would have to live. They had come into a Christian country, on condition of enjoying Christian hospitality and Christian protection, but not on a promise that we would alter for their advantage the character of the social condition under which we lived. They were entitled at present to all the rights of property, but not to those of power; and he now asked the House, whether it would make the change proposed, in order to invest them with that which they had not hitherto possessed, political power. One of these two religions must be false? Was the House prepared by its legislation of that night to declare that its own religion was false? The Jews declared, that He, whom we revered and adored, was an impostor—that He, in whose name we hoped for salvation, was a deceiver. When the Jew came to their Table, he must make that statement openly, publicly, solemnly. It was true, that a measure for opening the door of the Legislature to the Jews was not now proposed; but it was equally true, that it would not be long before that door would be opened to them, if this bill were passed. All his present arguments proceeded on the assumption (he might say, certainly) that this Bill, if passed, would be a beginning only! He had advised the House, on a former occasion, to take for its device the old maxim, *principiis obsta*; and acting upon the advice, he now called upon it to oppose this bill, which, if carried, would compel them, before long to legislate on even higher matters connected with the Christianity of the empire. Under these circumstances his duty was a very simple one. He therefore moved, that this bill be read a second time this day six months.

Lord *John Russell* said, I am glad that my hon. Friend the Member for the University of Oxford has, by his speech this night, reduced the question to what I really conceive it to be—a question of religious liberality or of religious intolerance in England. My hon. Friend has stated in different parts of his speech, and particularly towards the conclusion of it, that we must consider our religion to be true, and the religion of the Jews to be false; and he therefore deduces, as a legitimate consequence from that proposition, that the Jews are incapable of filling municipal offices. Now I beg to state to the House, that I do not think that those who formerly opposed the admission of persons to corporate offices who did not belong to the Church of England, in the first place the Protestant Dissenters, and afterwards the Roman Catholics, have ever been willing to put the question on such a ground as this. They have always endeavoured when arguing questions affecting the religious opinions of men, to delay measures of legislation, and they did delay, first the admission of Protestant Dissenters, and then of Roman Catholics into the municipal corporations of the country; they were always anxious, and always endeavoured to place the question upon some issue in which the State was concerned. With regard to the Protestant Dissenters, the argument of Sherlock upon this question (which my hon. Friend would no doubt recognise), goes upon this principle, that those who are dissenters from the Church have not that same attachment to the Constitution in general, which holds that the Church and State must be considered as being blended together, as those have who belong to the Church; and that those belonging to the Church must be supposed to have a more steadfast attachment to the State, and may, therefore, be better relied upon than those who differ from the Church. That was the argument by which it was endeavoured to persuade the chief authority of the State, that the civil duties belonging to municipal offices would not be well performed by Dissenters. This argument, however, was at length over-ruled by Parliament, and Dissenters were admitted to corporate offices. Then came the question respecting the admission of the Roman Catholics. Here again those who were opposed to municipal offices being held by Roman Catholics took every care to avoid saying, "the Roman Catholics differ from us in religion; theirs is a false religion, and they must not be admitted to hold corporate offices." On the contrary, they took especial care to argue, that the Roman Catholics held another allegiance; that they were attached to Rome, and to a government which had not only a spiritual, but in many respects a temporal power, and therefore the State could not rely upon their attachment, either as members of Parliament, or as members of corporations holding civil offices, as securely as they could upon other members of the community. But that ground of objection again was over-ruled, so that it can no longer be argued as a settled principle of Parliament, that either Protestant Dissenters or Roman Catholics had this peculiar disqualification. Then we come to the question with respect to the Jews; and what the House has to consider is this, that Parliament having decided that there is nothing in the case of Protestant Dissenters that ought to exclude them from being admitted to civil offices, nor anything in the case of Roman Catholics that should exclude them from holding similar offices, and both Dissenters and Catholics having accordingly being admitted by law to hold such offices, whether the House is prepared to declare the naked and intolerant principle, that because the Jews differ from the religion of the state, they are, therefore, inadmissible to civil privileges. Now, upon principle, I should argue, with respect to civil and political offices, even going the length which my hon. Friend has supposed this measure may be carried hereafter—that where you can prove the qualities of political and civil trustworthiness to exist, and that they can be performed truly and faithfully, there a difference in religious faith is no reason for exclusion. It is perfectly evident that holding offices in the church is a very distinct matter; because no one can be admitted to hold an office in the church, or any office connected with the church, unless he entertains those opinions which are maintained by the church. But, with respect to civil offices, we have no business to inquire, nor have we any need to inquire, into the religious opinions of the person who is a candidate for holding any such offices, provided such person is duly qualified; provided that, as respects the Sovereign, you can rely on his allegiance to the Crown; that as respects Parliament, you can rely on his obedience to the laws; and that as respects his fellow-subjects, he is as capable of performing the duties of the office as any other person in the realm. Is not that the case in the present instance? Does not this argument immediately apply to the persons affected by this bill? Is it not the case with respect to those gentlemen from whom I have lately presented a petition to this House—to Mr. Rothschild, Mr. Salomans, Sir Moses Montefiore, and others, whose families have long been established in this country, and who are well known to be deeply interested in the prosperity of the country, have a great stake in it, and whose respectability and character are equally well known to be above all reproach? Are you afraid to entrust to such men the municipal offices of aldermen and common-councilmen? Can you state any ground why they are not fit to perform the duties of such offices? You cannot state any such thing. The hon. Gentleman the Member for the Univerity of Oxford made an objection against one individual because, with great liberalty he contributed to the erection of a presbyterian chapel. I did not expect to hear such a circumstance urged as an objection against any person; nor do I understand the principle upon which such an objection is founded. I could understand why it should be urged against a member of any one sect, where he was contributing to the support of the fabric of a contending sect in the same parish, that he ought to give his assistance to those belonging to his own communion in preference to any other. But the fact of a Jewish family, residing in a parish of this country in which, perhaps, no other Jews were living, displaying a spirit of liberality of this description, appears to me to be free from all possible objection. Why a Member of the Jewish persuasion should not be at liberty to say, "I behold around me many persons belonging to the Christian religion who have no means of obtaining the benefits of worship and instruction according to the peculiar creed of their communion; I will give the means of obtaining the opportunities of such worship and instructions, because I not only think it would be a benefit to them in a worldly point of view, but also because I think they should be made good Christians, rather than be heathens, without any religion at all." Is there any thing extraordinary in this? Is there any thing other than the display of great wisdom and prudence as well as personal liberality? The hon. Baronet has argued that it is the principle of the constitution of this country, and he added also of the colonies, that what he calls the Christian character should be preserved. With regard to the colonies, I must, at least, inform the hon. Baronet of one exception to his proposition. I know that in the colony of Jamaica the Jews are fully admitted to all civil offices there, by the assent of the House of Assembly, and of the Governor of the colony. Nor has any thing transpired to prove that measure an unwise one, or in the least injurious to the interest and welfare of the colony. On the contrary, I think it an example well worthy to be followed by the Legislature of the mother country. My hon. Friend next went on to say (and thereby making this still more a religious question) that by the prophecies the Jews are to be a separated nation, and that therefore, by incorporating them with ourselves, we are acting against the sense and interpretation of those prophecies. I do not consider that that is a point which this House has anything to do with. I consider the fulfilment of those prophecies is perfectly compatible with those belonging to the Jewish religion remaining a separate nation and still holding civil offices; that whatever has been prophesied by the Divine power to be the Divine intentions need no assistance from this House for its fulfilment. Neither does it become us to ask how those Divine intentions are to be carried into effect. Does not my hon. Friend see the absurdity he has involved himself in? Because, in the year 1835 Parliament made a law by which a Jew might become sheriff of London and Middlesex; now, that was a municipal office, and if a Jew, being an alderman, was against the prophecies, most certainly his being a sheriff must be equally against them; therefore the consequences which my hon. Friend dreads has already taken place. You must take the argument entire, and either you must exclude the Jews from the office of sheriff, or, as far as the argument goes, you must admit them altogether. But there are other offices to which this municipal act does not in all cases apply. For instance, there are many offices of trust in towns which are not incorporated, and to which Jews are eligible. In the town of Devonport a Jew held the office of a trustee of the Water Company, and also of paving commissioner, and it was only from the circumstance of the Municipal Corporation Act containing this particular oath that that Jew was excluded from those offices. But in other towns not incorporated, Jews are still allowed to hold the office of commissioners of paving and of police, and are, in fact, engaged in the management of the affairs of the town as much as those bodies who call themselves corporations and town council. The real exclusion, therefore, which my hon. Friend would wish to prolong is, after all, of a very narrow and limited nature, however essential he may deem it to be, in order to carry out the intentions of the Supreme Being. But his object, as I have already shown, cannot be carried into effect, because the Jews do already hold many of those offices, the holding of which he considers must frustrate the Divine will. When the repeal of the Test and Corporation Acts was under the consideration of this House, a declaration was proposed by a right hon. Gentleman, whom I do not now see in his place, the right hon. Member for Tamworth, which did not contain the words, "On the true faith of a Christian." That right hon. Gentleman was satisfied with the declaration without those words, and this House was also satisfied and passed the bill. The words, "On the true faith of a Christian," were inserted in the bill by the House of Lords, and it was only in consequence of my wish that such an important measure should not be delayed passing into a law, that those words were not objected to. But, I believe, if I had so objected to them, that this House would not have agreed with the House of Lords in making any new exclusion by that bill. I am persuaded that would have been the opinion of the House; but it was wished that the bill should be carried, and the words were therefore allowed to remain. But what is the effect of those words? They do not altogether exclude Jews from corporations. Corporations may require the declaration to be made upon any person taking office; but if they do not think fit to enforce the declaration, Jews may hold office in those corporations, and they will afterwards be covered from liabilities by the Indemnity Act. In the city of London the declaration was put to a Jew who had been elected to an office in the corporation, and the judges decided that the Court of Aldermen had acted legally in so putting that declaration; but I do not believe that there is any compulsory power to enforce the Court of Aldermen or the town council to put the declaration before taking office. There have been, in fact, more instances than one of Jews holding office under corporations. In Southampton, a Jew has held office, and I have been informed that a similar instance has happened in the town of Birmingham; and I think it may be laid down as a general rule, that unless the town council or corporation enforce the declaration, a Jew may hold office. Therefore, what is now proposed, is not the introducing of a thoroughly new practice, but to declare that that which may be done in Southampton and in Birmingham, may be done in all towns having corporations. The last argument which my hon. Friend, the Member for the University of Oxford, urged against this bill was this, that if the present concession were made, it might lead to further concessions, and that hereafter the Jews would ask to be admitted to hold seats in Parliament, and to be allowed the enjoyment of every privilege possessed by British subjects. I know not what the Jews may hereafter think proper to ask for, or what further concessions they may seek, or whether they will or not require to be admitted to the enjoyment of the whole of the privileges belonging to every other British subject; but this I am sure of, that if they do ask for those privileges, I shall support them. I have not the slightest hesitation in saying that I thall carry the principle to its full extent; that, with regard to civil privileges, I will ask of the candidate that he possess civil qualifications, and no other; and, when I am satisfied that those civil qualifications are possessed, I will admit to office those persons who possess them. With respect to the religious establishment of the country, and to religious offices connected with the Church Establishment, I have already stated what my opinion is, and I wish to guard myself against being misunderstood on that part of the subject; but with regard to all the other privileges of British subjects, I am prepared to say, that, whenever it shall be asked and proposed to carry out the principle to its full extent, I shall be prepared to give the same ready and hearty support that I now give this bill to every measure that shall be founded upon a similar principle.

Mr. *Ewart* deprecated the introduction of theology into that House on discussing a question which might be grounded upon reasoning alone. The hon. Baronet the Member for Oxford had adverted to the amalgamation of the Dutch families that accompanied William 3rd, with the inhabitants of this country, but did the legislature draw the same persecuting line of demarcation between the Bentincks, the Keppels, and the Vansittarts, and the English people, as that which was drawn between the Christians of this country and the persecuted Jews? The argument of the hon. Baronet was not tenable. The House, he was glad to perceive, did not consider the hon. Baronet's arguments worth answering, and were alike impatient of his logic and his theology.

Mr. *C. Hamilton* should not have risen to take part in the debate had it not been for the speech they had heard from his (the Opposition) side of the House, and, above all, coming from the hon. Baronet the Member for the University of Oxford. He did not present himself to the notice of the House as a specimen of a Conservative Member, although the hon. Baronet on a former evening had held him up in a tableau of respectability with the hon. Member for Finsbury and the hon. Member for Kilkenny; but he was determined that one Member on his side of the House, at all events, should be found to protest against the intolerant speech and spirit displayed by the hon. Baronet. The hon. Baronet had not made a Jewish speech perhaps, but, in good truth, it was anything but a Christianlike speech. He regretted to say this much, but he knew, in giving utterance to these sentiments, that he spoke the opinions likewise of a considerable majority of his own (the Conservative) side of the House. He should, most undoubtedly, oppose the amendment of the hon. Baronet.

Mr. *Milnes* also had the misfortune to differ from his hon. Friend, the Member for the University of Oxford, on this occasion. He thought, however, that the question had been entered into more largely than it required. A stranger might have supposed that it was intended, by the bill, to admit gentlemen of the Jewish persuasion to seats in Parliament, instead of merely to the offices of aldermen and common council. He wished to guard himself against the belief that he would at once confer on Jews a right of holding seats in that House, but, with that reservation, he could not feel any possible objection to the vote for the present bill.

The House divided—Ayes 137; Noes 24: Majority 113.

List of the AYES.

Attwood, W.
Attwood, M.
Baines, E.
Baldwin, C. B.
Baring, rt. hon. F. T.
Barnard, E. G.
Beamish, F. B.
Berkeley, hon. C.
Bernal, R.
Bewes, T.
Blake, W. J.
Bodkin, J. J.
Botfield, B.
Bowes, J.
Brocklehurst, J.
Brotherton, J.
Bulwer, Sir L.
Busfeild, W.
Byng, G.
Campbell, Sir J.
Cantilupe, Viscount
Carew, hon. R. S.
Chalmers, P.
Chichester, Sir B.
Childers, J. W.
Clive, E. B.
Collier, J.
Coote, Sir C. H.
Cowper, hon. W. F.
Craig, W. G.
Dalmeny, Lord
Douglas, Sir C. E.
Duff, J.
Duke, Sir J.
Duncan, Viscount
Duncombe, T.
Easthope, J.
Easton, R. J.
Eliot, Lord
Elliot, hon. J. E.
Evans, W.
Ewart, W.
Farnham, E. B.
Ferguson, Colonel
Fitzroy, Lord C.
Fleming, J.
Gordon, R.
Greg, R. H.
Grey, rt. hon. Sir C.
Grey, rt. hon. Sir G.
Hall, Sir B.
Hamilton, C. J. B.
Hamilton, Lord C.
Harland, W. C.
Hawkins, J. H.
Heathcoat, J.
Hobhouse, T. B.
Howard, hon. E. G.G.
Howard, hn. C. W. G.
Howard, F. J.
Howard, P. H.
Hume, J.
Humphery, J.
Hutt, W.
Hutton, R.
James, W.
Jermyn, Earl
Jones, J.
Kelly, F.
Lascelles, hon. W. S.
Lemon, Sir C.
Listowel, Earl of
Lowther, J. H.
Lushington, rt. hn. S.
McTaggart, J.
Marsland, H.
Martin, J.
Maule, hon. F.
Mildmay, P. St. John
Milnes, R. M.
Morpeth, Viscount
Morris, D.
Murray, A.
Muskett, G. A.
O'Connell, J.
O'Connell, M. J.
Pattison, J.
Pechell, Captain
Pendarves, E. W. W.
Philips, M.
Philips, G. R.
Polhill, F.
Pryme, G.
Rawdon, Col. J. D.
Reid, Sir J. R.
Roche, W.
Rundle, J.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Sandon, Viscount
Seymour, Lord
Smith, J. A.
Smith, B.
Smith, G. R.
Smith, R. V.
Smythe, hon. G.
Stanley, hn. E. J.
Stansfield, W. R. C.
Staunton, Sir G. T.
Stewart, J.
Stuart, W. V.
Strutt, E.
Style, Sir C.
Tancred, H. W.
Teignmouth, Lord
Thompson, Alderman
Thornely, T.
Tufnell, H.
Turner, E.
Villiers, hon. C. P.
Vivian, Major C.
Vivian, J. H.
Vivian, rt. hn. Sir R.H.
Wakley, T.
Wall, C. B.
Warburton, H.
White, A.
Wilbraham, G.
Williams, W.
Wilshere, W.
Wood, C.
Wood, Sir M.
Wood, G. W.
Worsley, Lord
Wrightson, W. B.
Wyse, T.
Yates, J. A.

TELLERS.
Hodges, T. L.
Hawes, B.

List of the NOES.

Antrobus, E.
Bagge, W.
Darby, G.
Duncombe, hon. A.
Estcourt, T.
Gladstone, W. E.
Gore, O. J. R.
Hepburn, Sir T. B.
Hodgson, R.
Hope, hon. C.
Houstoun, G.
Mackenzie, T.
Mackenzie, W. F.
Neeld, J.
Ossulston, Lord
Pakington, J. S.
Parker, R. T.
Pringle, A.
Richards, R.
Rickford, W.
Rushbrooke, Colonel
Sheppard, T.
Trotter, J.
Vere, Sir C. B.

TELLERS.
Inglis, Sir R. H.
Bruce, Sir C

Bill read a second time.

COUNTY CORONERS.] Mr. *Pakington* moved the second reading of the County Coroners' Bill. It contained the same provisions as a bill which had been introduced in that House in 1835, and which bore on it the name of the hon. Member for Bridport, namely, that the election of Coroners should be vested in those who were entitled to vote for Members of Parliament. He trusted, therefore, his bill would meet with no opposition from that hon. Member.

Mr. *Warburton* said, it did not follow that because the hon. Member who introduced the bill put upon the back of it the name of another hon. Member, that that hon. Member was bound by all the provisions of the bill. His objections were principally to the clause which proposed to render the electors of a county coroner the same as the electors of Members of Parliament; because, by adopting that mode, the magistrates would have a voice in the election, which he deprecated, because it ought to be remembered that the coroner had often to sit in judgment even upon magistrates themselves, and therefore he thought the election of that officer should be as little as possible connected with the magistracy. He thought the election of coroner ought to approach as near as possible to universal suffrage. It was upon these grounds he opposed the bill, and would divide the House upon its second reading.

Mr. *Fox Maule* hoped the hon. Member for Bridport would not insist upon dividing the House on the second reading of the bill. He thought, looking at the state of the law with respect to coroners, the House was much indebted to the hon. Member who had introduced the measure. With respect to what had been stated as to Coroners' Courts being open ones, he thought there was great room for argument upon both sides; but his opinion was, that a large discretion should always be given to coroners to clear their Courts, or not, as justice required it.

Colonel *Sibthorp* thought depositions ought to be taken before coroners as they were in courts of law. He hoped the House would let the bill go into committee.

Mr. *Hume* said, that whilst he agreed with the hon. Gentleman that a bill ought to be passed to prevent fraud in the election of coroners, he could never agree to any measure which would narrow the suffrage. He dissented entirely from that part of the bill. He trusted, however, that his hon. Friend would not divide the House upon the second reading, but let the bill go into committee, on the understanding that he would then oppose what he considered as objectionable. If the hon. Gentleman who moved the bill would leave the suffrage on the same footing as it had hitherto rested, he would support the measure.

Mr. *Warburton* would not, after the appeal of the hon. Under-secretary for the Home Department, divide the House.

Sir *G. Strickland* would give the bill his hearty support, because the system at present in force was very expensive, particularly in Yorkshire, where each coroner, although he was to act for only a district, was elected by the whole county, in which there were at least 50,000 electors. No one could go to that expense, and the consequence was, that the election was carried by a few freeholders near the county town. He did not agree to all the clauses in the bill, but he would support the second reading, in the hopes that it would be amended in the committee.

Mr. *Wakley* would support the second reading of the bill as several of its provisions were very good, but he must decidedly object to the magistrates having anything to do with the election of the coroner—the coroner had often to sit in judgment on the conduct of the magistrates, and he must decidedly oppose giving them any more power over the coroner — they had too much already. Upon principle, and generally, the coroner's court ought to be an open court, but cases might arise, when, if the coroner had not the power to take evidence in secret the ends of justice might be, and he had no doubt had been, defeated. It was said, that the murderer of Mr. Westwood was in the room where the inquest was held, and afterwards escaped to America. In such a case, where no suspicion attached to any individual, it would be very injurious to the public interests, if the coroner had not the power of closing his court. With regard to the clauses relating to the franchise, the constituency in Middlesex and Surrey would be enlarged by them, and would not be so open to fraudulent practices. The registration would have a great effect in doing away with such practices. The constituency under the bill in West Middlesex alone, would amount to 25,000, whereas at present, in the whole county, they did not amount to 14,000. He objected to any change being made in the coroner's districts by the magistrates, without his consent. The districts in Middlesex, had been settled years ago, and his colleague and himself never interfered with each other. The coroner was one of the hardest worked and worst paid officers in the county. The gallant colonel was anxious to have the depositions taken at length. Now, as the enquiry was as to whether a person had died a violent or a natural death, many questions were asked which afterwards turned out to have no connection with the subject, and which would give great pain, if they were published. He was glad his hon.

Friend did not intend to divide against the bill. With regard to the deputy, the fifteenth clause provided that such deputy should be a barrister or an attorney. Why not a qualified medical practitioner? He had been coroner for a sufficient length of time to know that it was absolutely necessary that the person holding the office of coroner should have received a medical education. He believed, that when the hon. Gentleman moved that clause he would find a large majority against it. With respect to appointing deputy-coroners he was opposed to such a measure, unless the coroners appointed their deputies on the same terms that the sheriffs did—namely, that they themselves should be responsible, and not the deputies. Unless that were done, whenever any difficult or doubtful case occurred, the coroner would absent himself, and act by his deputy, and the decision made in such case would not be valid unless the coroner were unavoidably absent. The great inconvenience of that course must be apparent to all. There was another point in the bill to which he wished to advert—the table of fees to be paid by coroners as disbursements. By returns laid before the House relative to that subject, it appeared that the claims were not similar in all the counties of England. In the county of Middlesex, one farthing was not allowed to jurors who attended at inquests, whereas on the other side of the river each juror was allowed 1*s*. The clause which would amend that state of things would meet with his cordial support.

Bill read a second time.

Supply.] On the motion that the report of the committee of Supply be brought up,

Captain *Boldero* said, that, during the last eighteen months, a large sum, 500,000*l*. (as we understood) was voted by the House to supply arms and ammunition for maintaining the integrity and independence of the Ottoman empire. 500,000*l*. had on a former occasion been voted also by that House to supply military stores for the service of the Queen of Spain, who was now their debtor to that amount. He wished then to know whether the stores sent to the Grand Seignior were voted on the same terms as those which were sent out to Spain. That was a question which he would put to-morrow evening, when he expected to receive a satisfactory answer.

Report agreed to.

Evidence.] On the motion that the Evidence Bill be read a second time,

The *Attorney-General* said, that he highly approved of the bill, but he must request the attention of those who had charge of it to look to one proviso. The bill went so far as to allow parties to speak as witnesses for themselves. You could not allow the defendant to prove his own case. He thought that the landlord ought not to be allowed to give evidence in favour of the tenant in a case in which a verdict for the latter would be beneficial to the former; and that in other cases the evidence of parties interested in the issue of a trial should not be received in favour of that side with which their own interests were identified. He hoped that Gentlemen who had charge of the bill would look to that proviso. If it were properly framed, he would support the bill; but otherwise it would be his duty to oppose it.

Mr. *Hawes* would attend to the suggestion of the Attorney-general.

Mr. *Hume* said, there was one defect in the law of evidence which he wished to see altered in this bill. The judges were in the habit of telling witnesses that they must not criminate themselves. Now, every man ought to tell the truth, even if it were against himself, and the object of the trial was to get at the whole truth.

Bill read a second time.

On the question that the bill be committed,

Mr. *Hume* then said, that lest his observations respecting the judges giving caution to witnesses should not be understood by the Attorney-general, he would refer to a particular case in point—the trial of Lord Cardigan in the House of Lords, where the judge who presided officiously interfered, and desired a witness not to answer any question which might tend to criminate himself.

The *Attorney General* had no difficulty in saying, that Lord Denman acted in accordance with the laws of England, and was perfectly justified in giving the caution which he did to Sir James Anderson, as he (the Attorney-general) who conducted the prosecution, had informed their Lordships in his opening address, that the witness was liable to indictment as an accessory before the fact.

Bill to be committed.

House adjourned.

HOUSE OF LORDS,

Thursday, March 11, 1841.

MINUTES.] Petitions presented. By the Marquess of Bute, from Bute, Rothesay, and other places, and by the Earl of Rosebery, from Edinburgh, and other places, against the Intrusion of Ministers, and for the Abolition of Patronage.

POOR LAW RECORDS (IRELAND).] The Duke of *Wellington:* Seeing the noble Marquess (Normanby) in his place, and understanding that there will be no opposition to the motion for papers of which I have already given notice, I will not now trouble your Lordships with any observations on the subject. Your Lordships are aware, that when the Poor-law Amendment Bill passed the House, extraordinary powers were given to the commissioners, but that also measures were taken by Parliament to prevent the abuse of those powers without such abuse coming to the knowledge of the Government, the Parliament, or the public. They were directed to keep an accurate record in writing of all their proceedings, and no doubt if that direction has been minutely followed, every transaction can be traced from its origin up to the order of the commissioners. I will now therefore move, in consequence of the discussions which have recently taken place, that an humble Address be presented to her Majesty, praying that her Majesty will be pleased to order that there be laid before your Lordships' House a copy of the record in writing of all the proceedings of the Poor-law commissioners relative to the unions of Clonmel, Cashell, Naas, and Mountmellick.

The Marquess of *Normanby* had no objection to the motion, but as he had led their Lordships to expect that Mr. Nicholls would be this day in attendance on the House, he begged to state, that he had to-day received a letter from that gentleman, assigning two reasons for his absence. First, it had happened that he was absent from Dublin at the time the correspondence as to the election of the returning officer of Clonmel took place, and therefore he could give their Lordships no personal information on the subject; and, secondly, at the present moment, in consequence of the elections going on in all parts of the country for guardians, his absence from Dublin would be exceedingly inconvenient to the public service. He thought it right to state, that those letters had been written before Mr. Nicholls had heard of the second complaint which had been made, in consequence of which, he had written to Mr. Nicholls, desiring him to come over, at whatever inconvenience, and therefore he hoped that he would be present on Monday. The whole matter, however, could be explained by Mr. Stanley, the secretary to the Poor-law commissioners, who had signed the letter, and who had offered an explanation to him, stating that there was no intention to deceive; and, indeed, he could not see what was to be gained by deception. He admitted there had been some irregularity; but, as the explanation was very complicated, it would be doubtless more satisfactory to their Lordships, to himself, to the Government, and to Mr. Stanley, that that gentleman should have an opportunity of giving their Lordships that explanation himself. Therefore, as soon as the motion of the noble Duke should be disposed of, he would take the opportunity of moving, that Mr. Stanley be ordered to attend on their Lordships on Monday next.

The Earl of *Glengall*, having brought forward these complaints relative to the Poor-law commissioners, could assure their Lordships that he was fully prepared to substantiate every allegation he had made, by evidence, either at the bar of the House or before a Committee; and as to there being no intention to deceive, he could prove by evidence, that what was done had been done for the express purpose of deception, and for no other.

The Marquess of *Normanby* said, that that would all come out at the proper time. He had not formed a decided opinion, but had only stated, that upon a cursory examination of these papers, there did not appear to him to be any intention to deceive, and that he could not see what object could be obtained by such deception; but, at the same time, he had stated most distinctly that it was clear an irregularity had been committed.

Motion agreed to.

The Marquess of *Normanby* then moved, that Mr. Stanley be ordered to attend the House on Monday next.

Agreed to, but the day was subsequently altered to Tuesday.

ST. SULPICE.] The Marquess of *Normanby* moved for a return of a despatch from Lord Amherst to Lord Aberdeen, and of other papers respecting the motion of the right rev. Prelate (the Bishop of Exeter), standing for discussion on the next day.

The Bishop of *Exeter* inquired if they were printed?

The Marquess of *Normanby* understood that they were, and would be delivered to-morrow.

Lord *Ellenborough* said, that their Lordships knew how difficult a thing it was to read papers and proceed at once to debate upon them. He accordingly thought that it would be desirable for the right rev. Prelate to postpone his motion until Monday or Tuesday next, as there would still be ample time to move the address to her Majesty before the thirty days—the time during which the ordinances had to lie on the Table—had expired. Under these circumstances he would not now press other circumstances which appeared to him to be of the greatest importance, but would merely suggest to the right rev. Prelate that it would be for the convenience of the House if he would accede to this proposal.

The *Bishop of Exeter* said, that he was sure their Lordships would not suppose that any personal inconvenience whatever could induce him to state that he was afraid that it would not be in his power to accede to the application that had been made to him. He was at that moment under the orders of the Court of Queen's Bench, having been subpœnaed to attend at Exeter, at the present assizes, and he was bound to leave London early on Saturday morning. Under these circumstances he would venture to suggest to their Lordships that it was rather hard on the eve of a motion of this kind that an application of this sort should be made, the more especially as the attention of the Government had been called to this subject for a period of eight or nine months, and it had not been until the eleventh hour that they had thought fit to lay upon the Table papers that appeared to be important. He was afraid he could not attend on Monday next without disobeying a mandate of the Court of Queen's Bench.

Lord *Ellenborough:* It can only be a matter of twenty-four hours. The right rev. Prelate could not get there before Monday, and if he postpones his motion he may get there by Tuesday night.

The *Bishop of Exeter* said, he was bound, previous to his arrival at Exeter, to go to Worcester on business of great importance relating to the Church, and to be in Exeter on Tuesday night. He understood from the noble Marquess these papers were printed, and as he supposed they could, therefore, have them early to-morrow morning, he thought there would be sufficient time to consider them.

The Marquess of *Normanby* said, that the papers had been ordered by the House of Commons, on Tuesday, and he believed that they were now printed.

The Earl of *Ripon* said, that the despatch which was referred to, seemed to be held on all sides as of great importance. The question now was, whether they ought to be called on to give an opinion on a very important subject, to which everybody attached the greatest consequence, without their having the means of considering the principles on which the measure rested, and which principles they were told were to be found in a certain despatch which they would not be able to read till to-morrow. He ought to have a perfect recollection of what was contained in that despatch; but, written as it was ten years ago, he could not at that moment undertake to explain to their Lordships either the principles upon which it was founded, or the motives which induced him to advise his Majesty to send that despatch to Canada. Under these circumstances, they ought not to decide on such a question without having more time to examine into it. If the motion were postponed to the end of the week some arrangement ought, he thought, to be made by her Majesty's Government, as they were concerned in the postponement of the discussion, that the question should be put in the same position as it would have been in if the thirty days required for the ordinance to lie on the Table of the House had not expired. What occurred in the present instance happened last year in the Clergy Reserves Bill. It was impossible to proceed on that occasion without the advantage of an assurance such as he referred to being given by her Majesty's Government; and on the present, if Ministers would give a similar assurance, the right rev. Prelate might be able to postpone the question.

The *Bishop of Exeter* would accede to the postponement of the motion until Monday, trusting that, under the circumstances of his attending his parliamentary duties, the judge of assize would consent to put off the trial. At all events he (the Bishop of Exeter) would undertake to bring forward his motion on Monday next, and he would accordingly now move, that the order for proceeding with the motion to-morrow be discharged, and that the question be postponed till Monday.

Ordered accordingly.

Church of Scotland.] The Earl of *Rosebery* presented a petition from a very large and influential body of people in Edinburgh, praying for the immediate and total abolition of Church patronage in Scotland. The noble Earl said, that he could give no countenance or support to the prayer of the petition. In his judgment, if the wishes of the petitioners were complied with, it would not remove the difficulties which surrounded the question, nor would it improve the deplorable condition in which that country was now placed with reference to the Church. He thought the mode which the petitioners approved of would turn out to be the worst that could be adopted for insuring a proper choice of Ministers. At the same time, he was decidedly opposed to the intrusion of ministers into parishes contrary to the wishes of the inhabitants.

The Earl of *Aberdeen* wished his noble Friend to explain how he meant to prevent intrusion. He supposed his noble Friend did not wish that the veto should be legalized. Did he then wish the course which he (the Earl of Aberdeen) approved of to be adopted—namely, that no minister should be rejected without reasons assigned and cause shown—that no minister should be set aside at the mere caprice of the parties intrusted with the power?

The Earl of *Rosebery* said, he did not mean to state what would be the proper remedy against the intrusion of a minister into a parish contrary to the desire of the congregation. Various modes had been pointed out for obtaining that result; but he had not, at any time, made up his mind as to which was the best. Individuals, much better acquainted with the question than he was, and who had considered it deeply, had not, up to this hour, been able to see their way clearly through it. He would not, therefore, be entrapped into saying whether, in his opinion, the legalization of the veto would or would not be the best mode of establishing non-intrusion. He did not give his support to the bill introduced by the noble Earl, because, while he gave the noble Earl credit for the goodness of his intentions, he felt that it would not satisfy the people of Scotland.

Petition laid on the Table.

Adjourned.

HOUSE OF COMMONS,

Thursday, March 11, 1841.

Minutes.] Petitions presented. By Mr. W. Evans, Mr. R. Currie, and Mr. G. W. Wood, from Derbyshire, Northamptonshire, Kendal, and other places, for the Abolition of Church Rates.—By Mr. Hodges, from Crondall, Goudhurst, and other places, against the New Poor-law Amendment Bill.—By Mr. Gillon, from a place in Scotland, for the Extension of the Births, Marriages, and Deaths Act to Scotland.—By Mr. Darby, Mr. G. Knight, Mr. Bowes, Mr. E. Buller, and others, from Southampton, and a great many other places, against the Poor-law Amendment Bill.

Severn Navigation.] Mr. *Estcourt* wished to call the attention of the House to the report presented yesterday by the committee of selection. It would be remembered that the day before yesterday it had been moved and carried that it be an instruction to the committee of selection to consider whether the rule usually adopted in ordinary cases of private bills, of referring such bills to a select committee chosen from names in the Speaker's list of Gentlemen connected with the particular counties to which such bill referred, together with certain other gentlemen connected with such localities, should be adopted in the case of the Severn Navigation Bill, or whether in the committee on that bill it would be better entirely to omit all those whose names appeared in the Speaker's list, to have it composed of gentlemen entirely unconnected with the localities to which the bill related. The committee in consequence of that instruction had met yesterday, and had agreed to a report, to which he now wished to direct the attention of the House. The report stated,

> "The committee of selection having, in obedience to the direction of the House, taken into consideration their Order of the 9th inst. "That it be an instruction to the Committee of Selection, if they see fit, to refer the Severn Navigation Bill to a select committee," beg to report the difficulties they have experienced in endeavouring to carry into effect what they understand to be the intention of the House.
>
> That the above instruction appears necessarily to imply the exercise of a discretion, on

their part as to the propriety of referring the bill to a select committee, or allowing it to proceed in the course prescribed by the standing orders; a discretion which it is obvious could not be satisfactorily used without a full knowledge of all the circumstances of the case.

Your committee having been appointed, not for the purpose of enquiry, but for the discharge of simple duties specified in the standing orders, are not invested by the House with the power of sending for persons, papers, and records. Having therefore no means of calling for evidence, and no documents having been referred to them on the subject of the Severn Navigation Bill, your committee would submit to the House, that they are not in a position to form a judgment on the question referred to them.

Your committee wish further respectfully to submit to the House, that, even were they invested with the necessary powers for conducting an enquiry, they cannot but entertain great doubt whether it would be expedient to charge them with such a duty, inasmuch as they fear that previous enquiry into the circumstances of a bill, involving the necessity of hearing the parties, and coming to a decision between them, might have a tendency to diminish the confidence reposed in their impartial selection of the Members to serve on the committee on the Bill."

He quite concurred with the committee, and could not but think that it was impossible for them to exercise any discretion respecting the matter of the instruction. It was a great object that persons should be selected who were perfectly unbiassed and uninstigated by any partiality. He had lost no time in stating to the House these preliminaries to the motion he had to submit, which was, that the order of the 9th of March should be discharged.

Mr. *Labouchere* said, that the statements of the hon. Member opposite must satisfy the House that the Committee of Selection had done all that they could do. To those Members who were present yesterday he need not say, that he had heard with regret the decision which the House came to, as he considered it was likely to break down those rules which the House had previously made. He could not but think that the course taken by the Committee of Selection had rescued the House from a situation of great perplexity. He concurred with the arguments of the hon. Gentleman, and would support his motion. He thought the House was greatly indebted to the Committee of Selection for the course they had adopted.

Order discharged.

DEPOSITS ON SHARES.] Mr. *Warburton* rose to move "That the evidence taken before the committee on petitions for private bills relative to the Stafford and Rugby Railway Bill, be laid on the Table of the House, and printed." He begged the attention of the House while he stated the facts of the case very shortly. Two years ago a railway was projected to pass from Stone to Rugby, and the ten per cent. deposit required by the standing orders was made. The Session having closed without the bill having passed, the deposit was taken from the Exchequer, and lodged in a bank at Manchester. During 1840 that deposit remained untouched. In the beginning of 1841 a new proposition was made: it was, to make the railway from Stafford to Rugby, a petition for which was now before the House. When this plan was first agitated a meeting was held of the old and new proprietors, an agreement was come to, and a deed prepared and executed. The ten per cent. paid into the bank of Manchester was to be the fund out of which the ten per cent. of the new company was to be subscribed. All the shareholders of the old company who did not think proper to join the new one were to receive back, after the accounts were audited, the ten per cent. they had deposited, deducting the payment of expenses. But all the shareholders of the old companies who became shareholders of the new were liable at a future period to the directors of the old company who had advanced the sum necessary for the current expenses of the undertaking. They were liable personally to pay back their proportion of these expenses, amounting to something more than fifty per cent. on the amount of the deposit. The provisional directors of the old company having made that arrangement, gave the shareholders who joined the new company a draft for the full amount of their shares, and they paid their drafts into the bank of Manchester, on behalf of the new company. Now, although the standing orders said, that a deposit of ten per cent. was to be paid, and that three-fourths of the subscribers should have paid their shares on such deposits, yet they did not lay down any rule that the shareholders should not borrow the money for so doing. Under these circumstances he thought it exceedingly desirable, in order that the House might understand the working of the standing orders, that the evidence taken before the select committee should be printed.

Mr. *R. Palmer*, having been a member of that committee, was anxious to offer a few observations to the House. The only ground on which he thought it unnecessary to print the evidence was, that the hon. Gentleman had stated the facts so fully and clearly that the printing of the evidence would add very little to their information.

Mr. *Greene* suggested, that the words "minutes and proceedings" be inserted in the original motion.

Mr. *Labouchere* trusted that his hon. Friend would not ask the House to depart from the usual course adopted in cases of this kind. Unless some very special reasons were assigned for a departure from the usual course, he (Mr. Labouchere) would think it his duty to oppose any attempt at such a proceeding.

Mr. *Warburton* would, for the present, withdraw the motion, but said that he should bring it forward at another time in a different form.

Motion withdrawn.

Registration of Voters (Ireland).] Lord *Stanley* said, he would take the present opportunity of redeeming the pledge he had given on a former evening—that within a sufficient time of the period for which his bill for registration of voters in Ireland stood fixed, he would state to the House the course which he intended to pursue respecting it. He had given the matter the fullest consideration in every point of view, and, as his only object was to proceed with the bill in that way which he thought most likely to conduce to its becoming the law of the land, and looking at the small majority by which the House had affirmed the principle of the bill of his noble Friend the Secretary for Ireland, he would now, with leave of the House, move, that the order of the day for which his bill now stood be discharged, for the purpose of fixing it for the 28th of April, in the full understanding and confidence that the Government would adhere to its declared intention of proceeding to the full discussion of its own bill on the 23d of April, for which they had fixed it.

Order of the Day for the second reading of the bill discharged, and fixed for the 28th of April.

Education of the Working Classes.] Mr. *Gillon* rose to bring forward his motion on the subject of making grants of public money to Mechanics' Institutes in various parts of the empire. He had to request the indulgence of the House while he endeavoured to direct its attention to a matter which he considered of great importance to a very large body of the people. Every discussion of the question must ultimately tend to beneficial results; and if on the present occasion he failed in his motion, from the reluctance of Government, or from any other cause, he had the satisfaction of reflecting that it had at least been brought under the consideration of Parliament. His great object was to promote mental improvement by the instruction of the labouring portion of the population; to accomplish this end was a paramount duty on the part of every government, and a duty which could not be much longer neglected. His attention had been called to the subject last Session by an application from the School of Arts of Edinburgh, praying assistance from the public purse; and here he wished to correct a misapprehension that by schools of art he meant schools of design: no doubt schools of design were included in the mere general terms of schools of art, but he referred to what were ordinarily called Mechanics' Institutes. A large part of the working population of the city of Edinburgh had been instructed, as was stated in the memorial of the council of the School of Arts, in algebra, mathematics, and a variety of useful knowledge. But he would read from that memorial a passage on the subject. The hon. Member read the following extract from a paper entitled the case of the Edinburgh School of Arts.

> "The Principles of Natural Philosophy and of Chemistry, together with Architectural and Mechanical Drawing, and Modelling in Clay, as the standard subjects of instruction in that Institution. For the illustration of the lectures and lessons on these several subjects, an extensive collection of apparatus, models, casts, &c., has been made; and a library, consisting of works of science, theoretical, and as applied to the arts, to the amount of several thousand volumes, has been formed for the use of the students. Nearly 8,000 persons have enjoyed the benefit of this instruction."

All that, (continued the hon. Member), the institution had done, notwithstanding the inadequacy of its funds. The Directors came with the more grace before the House, when it was considered that the University of Edinburgh, and the Royal Society of that city, both of which were devoted to the improvement of the higher classes, had derived some assistance from the public funds. The first application was to the committee of the Privy Council on education; but it was evident that they could spare nothing from the miserable pittance annually voted to them. The Directors then addressed themselves to the Chancellor of the Exchequer and to the President of the Board of Trade; but the answer was, that however well disposed they might be to promote these institutions, they had no money at their disposal for the purpose. To prove the practical benefits which the Edinburgh School of Arts, on the solicitation of the Directors, had conferred on the people of Edinburgh; he would quote a short passage of the last report of the Directors:—

"Though the number who avail themselves of the privileges thus held out to them is small, yet it is extremely satisfactory to know, that of those who do, most are now in situations very different from what they originally were, and which they acknowledge to be owing in a great degree, to the valuable instructions they received by attendance at the School. Of these, James Hope, formerly a joiner, is now resident engineer at the Bolton and Leigh Railway; John Hislop, also a joiner, is now a teacher in the grammar school, Burntisland; and Thomas Charles, formerly a cabinet-maker, now holds a responsible situation in an architect's office."

The refusal of Government to advance money had led him to look into the question in a general point of view, and to consider the fitness of affording pecuniary assistance for moral improvement in large populous manufacturing districts. He had reflected upon the propriety of carrying forward the business of education after parties had left school, before the energies of the mind were enfeebled by a close application to mechanical arts, and before the grovelling and ignoble pursuits of manual labour had rendered the faculties less capable of improvement. The object of these Schools of Arts was not solely to fit the mechanic the better for his particular line of business, or to enable him to produce by his labour a greater quantity of goods to bring to the market, the great and the better object was to afford to the labouring man a wholesome instructive occupation during his hours of leisure. He could not enforce this better than by reading a short extract from an address by Mr. Hugo Reid, the brother of Dr. Reid, to whom hon. Members were so much indebted for their comfort in that House, and some remarks made by the president of the Edinburgh School of Arts on the opening of that institution in October last. Mr. Hugo Reid said,

"It is not during the hours of labour, but during those of recreation, that idle and pernicious habits are acquired, and to occupy our leisure hours in a rational and improving manner, is the surest mode of preventing the growth of those noxious weeds that overrun every waste and uncultivated mind. It is universally felt, that the pursuits of literature and science tend eminently to refine and civilize—to raise the standard of mind—elevate above grovelling pursuits, and impart dignity of character and self-respect."

Mr. Reid also said:—

"We often hear knowledge and education recommended, that its possessors may have a chance of succeeding better in their worldly career, of rising in the world. This is one of the most common inducements held out to incite to its acquisition, and is generally illustrated by the instance of some individual, who by the aid of superior knowledge, has risen to a high state from very small beginnings; but this is not the proper motive; besides, if all were educated which should be on a par, there would be no advantage, no distinction, except that of natural talent; though all, however, cannot be raised to wealth and dignity, all may by knowledge extend their sources of personal pleasure, and thus make themselves wiser, happier, and better in whatever condition they may be."

The rev. Mr. Rennie said in his opening address:—

"But if you can explain to these persons the reason why they are to do this or the other acts necessary to the right management of the machine, is it not proper to do so? Is not this right conduct on your part towards them? Is not this to treat them as rational beings, possessing powers which enable them to reason from causes to effects, and from effects to causes? Is not this a becoming homage to that intellectual nature, which, in them as well as in you, is the noblest product of infinite power in this lower world? * * One of the principal objections to these institutions formerly was, that they might tend to make men discontented with their condition in society, and to foster a spirit of insubordination. I do not believe, that this objection is now insisted on, either so frequently or with so much force as it once was. This may probably be attributed partly to continued reflection on the subject, and partly to the light which experience has thrown on the working of these institutions. How the diffusion of knowledge should make men discontented, it is not easy to perceive, except on the supposition, that the working classes are treated with injustice, and that knowledge will acquaint them with their wrongs."

Such were the views of those Gentlemen in which he entirely coincided; he contended, therefore, that to carry forward education, and to elevate the moral standard of the bulk of the people, was a subject well worthy of the attention of the House. Instead of wasting time upon party welfare, as had been the case during the last three or four sessions, to such an extent as to impede the progress of useful legislation; instead of pursuing a course which had brought the House into contempt out of doors, and had induced the people to believe that it assembled merely for the decision of who should, or should not, hold offices of honour and emolument, it would be far better if it devoted only a small portion of its labours to devising the best means of removing restrictions upon free trade, of educating and meliorating the condition of the lower orders, and thereby enabling them to enjoy the rich blessings by which Providence had surrounded them. Then, indeed, the House would entitle itself to the gratitude of the nation, and might truly claim the title of a national benefactor. He would direct the attention of the House to a few of the votes of the last session. Large sums were given to the universities of Oxford, Cambridge, Dublin, Edinburgh, Glasgow, Aberdeen, and St. Andrew's. A vote had also been passed in favour of the Museum of Economic Geology, and 2,410*l.* had been expended upon pictures for the National Gallery. Among other items in the estimates were 25,000*l.* for the support of captured negroes; 30,000*l.* for negro education; 61,000*l.* for the Niger expedition, besides the interest on the twenty millions to the West India planters. Having given these large sums for the benefit of the negro population, he thought he had a right to claim something for the vast and energetic of our own population. Then he found that 73,000*l.* had been given for convicts at home and at Bermuda, 235,000*l.* for convicts in New South Wales, 5,000*l.* for the imprisonment of juvenile offenders, and various other sums of a similar character. Yet while all this public money had been disposed of, little or nothing had been done for the prevention of crime; and in his opinion it would be a piece of wise economy if, by elevating the character of the lower orders and raising their moral worth, the commission of crime were rendered less frequent. The great body of the people forme the bone and sinew of the constitution, the broad basis of the grand pyramid of the state. Another reason for asking assistance from Government was, that owing to the difficulties under which many Mechanics' Institutes labour, the benefits they were intended to confer did not reach the class most requiring those benefits. In fact, it appeared by the report of the Glasgow Mechanics' Institution, that the majority of the pupils who attended last year, were from the middling, and not from the lower classes. By the report of the Edinburgh School of Arts, it appeared that the Directors were under the necessity of augmenting the fees which would have the effect, he was afraid, of still further diminishing the attendance of the working classes who were ill able to pay for their own instruction. The Directors said,

"The subscribers will perhaps remember, that some years ago the fees for the different classes were reduced from five shillings to two shillings and sixpence, with the exception of those for drawing and modelling. Though this occasioned an increase in the number of pupils, it diminished the income arising from the fees. The Directors have, therefore, resolved again to raise the fees."

He was particularly anxious, the hon. Member continued, that the working classes should participate in the advantages in proportion to their numbers; and if assistance were granted even on a wide scale, the demand on the public purse could not be great. The difficulties of the Mechanics' Institutes were usually occasioned by debts contracted for erecting buildings. Such had been the case at Glasgow and Edinburgh. The report of the School of Arts in the letter to which he had before quoted, gave the following account of its funds:

"In the session of 1838-39, the income amounted to 220*l.*, or nearly so; while the expenditure was 336*l.* In 1839-40, the income was 323*l.*, and the expenditure 360*l.*, thus making the expenditure greater than the income by upwards of 50*l.* each year. In addition to this, the subscribers must also bear in mind, that from the very heavy expense lately incurred in fitting up the new rooms, and from the receipts being for many years before that time far below the expenditure, it was absolutely necessary to draw from time to time on the fund laid aside for building; by which, along with the loss sustained by that fund being in the hands of the City trust, not only has the whole of it been exhausted, but a debt to the extent of upwards of 100*l.* has been incurred.

If the House would afford relief from these burdens, it would enable most of the Institutes to proceed with renewed vigour, and confer the most important benefits. Here he would remind the House of the paltry sum annually voted for the education of the juvenile portion of the population, and would ask why something was not done to improve their faculties after they quitted school. Reverting to the general question of the claims of the lower classes, he would inquire—who bore the great burden of the forty-five millions yearly raised in taxes for the State? Was it the rich few? No: the assessed taxes, on the one hand, and the Customs and Excise duties on the other, would afford a sufficient answer. It was the labouring population that maintained national credit. They not only manned but paid, the fleets and armies of the country, and they were pre-eminently worthy the attention of the Legislature. "Do not, for Heaven's sake (concluded the hon. Member) let us teach the people that, while their skill, industry, and enterprise support the State, that State is so meanly spirited, that it will do nothing for them in return. I beg leave to move,

"That this House will upon Wednesday, the 17th day of March, resolve itself into a Committee of the whole House, to consider of the following address to her Majesty, that is to say, that a humble address be presented to her Majesty, stating that there were voted by estimates for the year 1840-41, the following sums:—For the Universities of Oxford and Cambridge, 2,000*l.*; University of St. Andrew's, 1,009*l.* 13*s.* 4*d.*; King's and Marischal Colleges, Aberdeen, 1,974*l.* 0*s.* 8*d.*; University of Glasgow, 1,360*l.*; University of Edinburgh, 2,580*l.*; Royal Society of Edinburgh, 300*l.*; Royal Irish Academy, 300*l.*; Royal Hibernian Academy, 300*l.*; Royal Dublin Society, 5,300*l.*; Belfast Academical Institution, 1,950*l.*, in addition to various privileges and advantages enjoyed by various learned societies; to represent that while considerable sums are voted for the higher branches of education, in the benefits of which the higher and a portion of the middle classes participate, her Majesty will be pleased to take into consideration the great benefit that would result to the working classes if some assistance, such as her Majesty might deem best, were afforded in populous towns, towards the support of museums of natural history and works of art, and towards the maintenance of schools of art, in such manner as would aid the efforts of the community in the prosecution of these objects; and to assure her Majesty that this House will make provision for such assistance as her Majesty may be graciously pleased to direct."

Mr. *Labouchere* observed that certainly he would not yield to the hon. Gentleman in his sense of the deep importance of the subject then before the House, nor in his opinion that it was the duty of the Legislature and of the Government to employ every means in their power to spread a knowledge of art, as well for the improvement of the general taste of the people as to contribute to the stability and the progress of our manufactures. Upon every ground, moral, political, and commercial, he knew of no duty that was more incumbent on the House and on the country; but at the same time he entertained the strongest objections to the motion of the hon. Gentleman on account of the terms in which it was worded. He thought that this was a question which deserved to stand on its own merits, without any comparison between the sums that were given to one class or to another. The House might be right or wrong in voting any sums in support of the universities and of a system of education for the higher classes; but that was a subject also to be discussed and decided upon its own merits. He did, therefore, decidedly object to the motion of the hon. Gentleman as it stood, and he hoped that, after the statement which he was about to make, the hon. Gentleman would see that his object would be fully accomplished by leaving the subject in the hands of the Government, rather than by any address to the Crown, which by raising vague and general expectations in many different parts of the country, would, perhaps, paralyze individual exertions. He hoped that he should be able to prove to the hon. Gentleman that her Majesty's Ministers were willing to provide every means in their power for the encouragement of these institutions throughout the country, and especially in the seats of our manufactures; and he trusted that the hon. Gentleman would be satisfied with this expression on the part of the Government. He admited, that, with respect to the schools of art, this country presented a most disadvantageous and discreditable contrast with other countries. When he considered the long and strenuous exertions of the neighbouring power of France, when he considered the exertions which had been made with so much ability and zeal by the Government which, in all that relates to its internal administration, was far in advance of the other

Governments of Europe—he meant Prussia—and when he considered the enormous interests at stake, he must admit that it was necessary that some improvement should take place in this country. Very recently a beginning, and he hoped a good beginning, had been made, which would, he trusted, lead at no distant period to most important results. It was very easy to say "you ought to spend money in teaching a knowledge of art," but unless they expended their money on a good system they were running the risk of conferring no advantage. The great thing was to adopt some regular system. Two or three years ago, in consequence of the efforts of his noble Friend, Lord Sydenham, a school of design was established in the metropolis of this country, presided over by a council composed of artists, eminent in their profession, and of such of the principal manufacturers as could be induced to attend, The council had opened the School in Somerset-house, and a class had been formed for the instruction of pupils at a cheap rate in those branches of art which applied to our chief manufactures. Although this school had been established only for three years, and although any one acquainted with the subject was well aware that three years was a very short time to produce any great effect, yet he had no hesitation in saying, from what he knew of this school, that the pupils had already derived great advantage from it, that many were already prepared to become masters of other schools, and he had no doubt that it would become a nucleus for assisting different parts of the country. Very recently, and with the view to the improvement of the art of design upon silk and velvet, which was most important on account of the competition with other countries, it had been proposed to found a district school in Spitalfields. Accordingly, about two months ago, a school of design was established in Spitalfields. He had endeavoured to excite and to encourage the gentlemen connected with that district to take the matter up, and the Government had offered to contribute to its success by every means in its power. Those gentlemen had come forward in the most handsome manner, so that the Government spent a small sum, not exceeding 100*l.*; they had been able to give masters, educated at their own schools, and they had borne part of the expense of setting the school going, and of the outfit, and they had gone upon a principle which they thought was a very desirable one to be established; they insisted that, hereafter, all the regular current expenses of the schools should be defrayed by local subscriptions; because, if the Government was called upon to pay the annual expenses over which they had no control, they would bring a very heavy charge upon the public, without any commensurate benefit. But the assistance they could afford consisted of good advice, of furnishing capable tutors, and of providing models; and thus he believed that, with a small expense to the public, the Government could give effectual assistance to the local schools. He should also add, that the council of the school of design were conducting and publishing elementary works of instruction in the various departments of art and manufactures, adapted to the schools of design, very different from mere drawing, but such works as were adapted to the principles of art, adapted to the various manufactures of this country, in a series, imitated very much from the publications of continental Governments, and especially of Prussia. Another way by which he was sure they might afford very important advantage to these schools was, by collecting from all parts—and they were scattered generally throughout Europe—moulds of the most eminent works of art, from which casts could be made, and given or furnished at a cheap rate, to the different schools throughout the country, furnishing to each part the different class of casts suitable to the particular manufacture carried on. There was really in this country none but the most inadequate means for enabling parties who wished to obtain good casts to procure them. The only difficulty was, that the moulds would require so great a space that it was difficult to find rooms in London for them, but inquiries had been made, and this difficulty might be got over. Thus it was that essential service might be rendered to the different schools throughout the country. He did not know that it was necessary for him to detain the House, by going into the subject at greater length. He assured the hon. Member, and the House, that the attention of the council, and of the school of design, and of the Government, was directed to the subject; they would always be quite ready, whenever they saw their way clear, to step forward; and he was satisfied, that whenever a good practical scheme should be formed, they would not hesitate to come down to Parliament, and ask for its sanction; for he knew too well, he would not say the liberality, but the wise economy of the House, to doubt the result; he was certain they would feel that, as the representatives of a great commercial and manufacturing country, they would be consulting, not only its financial, but its commercial prosperity, by supplying, with a liberal hand, the means of carrying into effect such an important object as the improvement of the working classes. He hoped, therefore, that his hon. Friend, after this statement, would not press his motion for an address to the Crown, but would leave the subject in the hands of the Government, who were willing and anxious to promote its success.

Sir *Robert Peel:* I cannot refuse compliance with an application which has been made to me, to bear my testimony to the utility of the particular institution referred to by the hon. Gentleman (Mr. Gillon), the School of Arts in Edinburgh. My correspondent claims my support upon the ground that twenty years ago I was myself a subscriber to the institution, and that it has answered the purposes which I wished, by subscribing to it, to promote. I will read an extract from the letter which I have received, and I will not do the House the injustice to believe, that because this subject has none of the excitement of party discussions, it will turn from it with impatience or indifference.

The letter I have received is to this effect:—

> "I have had occasion to know, that (whether the same kind of institutions succeed as well elsewhere or not, or are as well managed) the School of Arts of Edinburgh has been of the greatest use in aiding numbers of most meritorious mechanics in obtaining a practical knowledge of branches of science essentially useful for the prosecution of their trades, and also in forming habits of useful reading, productive of the very best effects on the character of the young men and others attending the school. The etsablished clergyman of the parish in which its present building is situated, is the president and an active manager of the institution, and several of the most steady practical tradesmen in Edinburgh take the charge of it, assisted by several other individuals of a different station in life. I have the most unlimited confidence in the prudence of its management, in the principles of those who take charge of it, and in their means of knowledge as well as fidelity in reporting favourably of its effects. I went over one evening in December to the Institution. I found about twenty lads in the modelling-room (a miserable over-heated attic), actively engaged in modelling, with a view to practical trades, some of them, however, showing considerable talent of a higher order: a very useful, but small library, from which many mechanics are getting out books for their improvement and instruction; and I attended the lecture given that night, which was a part of a course on natural philosophy in illustration of the principles of the mechanical forces, and other important principles daily employed in almost every trade and manufacture. There was an audience of about eighty or one hundred I think, all mechanics and tradesmen, or boys already learning the trades by which they were to gain their subsistence in after life. I can sincerely say, I never witnessed a more interesting sight. It is easy to dress up a description of such a scene; but it is enough to say, that of all ages, from the intelligent, active-looking boy of fourteen, with his open shirt collar, to the graver tradesman of maturer years, I saw them deeply intent on understanding the principles used in their several trades, and most keenly desirous to avail themselves of the information thus afforded to them, for practical purposes. I need not say how important to the cause of good order, to the morals of great cities, and to the respectability of artizans and mechanics it is, to open to them such sources of information in matters so important to them, and how much such habits preserve them from the temptations by which they are surrounded. On promoting these means of improvement we do not wish to supersede, but to aid the higher and more effectual principles of improvement which religious education is to afford. I have not wished to trouble you with any of the printed reports on the subject. I understand that in the year 1822 you subscribed to the institution, a fact I did not know till Saturday."

The writer of this letter is Mr. John Hope, the eminent advocate who has received the highest mark of the confidence and respect of the legal profession in Scotland, by having been elected by the Bar of that country to the office of Dean of Faculty. I cordially agree in the opinions which he has thus expressed, I believe with him that it is of the utmost importance to the cause of good order, to the respectability of artisans, and to the moral of great cities, that you should afford to the working classes the means of useful information and rational amusement. I agree with him, that by promoting such objects, we do not supersede but aid the higher and more effectual principles of improvement which religious education is to afford.

So far as mere considerations of trade and manufactures are concerned, we cannot safely neglect these things; we cannot safely allow foreign governments to establish schools of design, and improve the taste and elevate the character of their artisans, and remain inactive ourselves. But there are higher considerations involved. Is it possible to survey the great masses that are congregated, and are hourly increasing in your manufacturing towns; is it possible to consider their present habits and the temptations to evil, to which they are exposed, without feeling deep anxiety, without a wish to soften and improve them by influences, more kindly than laws for their restraint? Depend upon it, if you will provide, not merely food for the mind, but if you will call them to the enjoyment of pure air and exercise; if you will set apart a public space to which they may resort after the toil of the day, where they may share in the manly sports which were once the pride of this country, you will wean them from vicious indulgence, and sink deep in their hearts the foundations of loyalty and attachment to the institutions by which they are govern'd and protected. Give public money for this purpose, if public money be needed. Whatever are our financial difficulties, the outlay will be true economy that promotes the health and improves the habits of your manufacturing population, and brings home to them the practical proof, that they and their present comfort and enjoyment are the objects of your deep solicitude.

But I hope public money will only be required as a stimulus to local exertion; I hope the affluent who are connected with the great seats of manufacture, who have derived and are deriving their wealth from the manufacturing industry of the country; that they will insist upon reserving to themselves the gratifying duty of promoting the social improvement of the working classes, and providing for them the means of rational amusement and recreation.

It may be well to ridicule all this; it may be well to see with perfect indifference countless thousands of rational beings immersed in ignorance and low degrading vices, and to insinuate the charges of irreligion and infidelity against those who would tell a working man of the pleasures or advantages of knowledge; and who would think of substituting some relaxation from labour, connected with mental improvement, for drunkennes and quarrelling, and mere sensual indulgence. I for one look down with scorn on such insinuations; my consolatory belief is, that by refining the tastes, and improving the habits and manners of those who subsist by the sweat of the brow, you are advancing the cause of morality, advancing the cause of true religion. As Mr. Hope observes, we are not foolish enough or wicked enough to suggest these means of improvement, as superseding religious instruction; but we hope and believe, that they are aids to religious instruction; and that you cannot reclaim men from indolence and vice, without softening their minds, and subjecting them to the higher and purer influence of religious impressions.

There is one material consideration, that must not be overlooked. Great efforts have been made by public authorities, and by individuals, for the education of youth. Every year releases from the restraints of school, thousands and tens of thousands of intelligent boys, into whose hands we thus put the keys of knowledge. We can impose by law no restraint upon the subsequent uses to which those keys may be applied; they give free access to good and evil, and there are many temptations to select that which is evil; if there be no effort made to supply that which is good. But if that effort be made; if there be the ready access to useful knowledge and rational amusement, there is that in the human mind which will secure a preference for the good, and the instruction that has been given to the child, instead of being perverted to evil purposes, will be made subservient to the improvement and the happiness of the man. I do what I can within my own narrow circle, to found education on a religious basis. I insist in every school to which I contribute, on conformity to the doctrines, and attendance on the worship, of the Church, and shall I be told, that I am defeating the purpose for which this early training of the mind was intended, if I extend my care beyond the age of thirteen or fourteen, and endeavour to provide salutary food to satisfy the appetite which I have created?

The Government may do much, no doubt, to promote the objects to which I have been referring. They may, for instance, through their diplomatic agents, form a collection of models of machinery, and thus exhibit to the artizans and manufacturers of this country, the improvements and inventions of foreign ingenuity. Some time since, I made a suggestion to this effect, to the then President of the Board of Trade (Mr. Poulett Thomson), and transmitted to him a letter from Mr. Richards, of Birmingham, a gentleman who had had opportunities of very extensive observation in foreign countries, who thought, that we greatly underrated the advances they had made in mechanical skill, and that we might profit by the means of observing from time to time their progress in the application of it. The Government can also procure, with greater facility than individuals, casts and moulds from the best productions of art, and will, no doubt, by the wise measures which it has adopted, and has in contemplation, the formation, for instance, of a central school of design, and the publication of elementary works, on the application of art and science to the various departments of industry, give a great stimulus to local exertion, and direct that exertion into a proper channel. But it is on local voluntary exertion, that the great reliance must be placed, and I feel confident, that when those who have derived, and are deriving, their wealth from manufacturing labour, calmly survey the present condition of the working classes in the great seats of manufacturing industry, the privations which they undergo, and the temptations to vice and sensual indulgence to which they are exposed, they will feel it both their interest and their duty, not only to contribute to the mental improvement of those classes, but to devise the means by which healthful amusement in the open air may be provided for them, by which manly sports and exercises may be encouraged, and some light may thus break in upon the gloom of constant labour and confinement.

Mr. *Labouchere* agreed that these institutions must mainly depend for their funds upon local subscriptions; but the objects for which Government could do good by affording assistance were the establishment of a normal school for teachers, the publication of elementary works, and forming a good collection of works of art of all kinds that could be adapted to designs.

Mr. *Ewart* said, he was sure that a great majority of the country would be willing to adopt the advice offered by the right hon. Baronet; and he thought that the moral views contained in his speech would be justly appreciated. It gave him great satisfaction to find the tone now used by the Government of this country, for his hon. Friend the Member for Kilkenny, his hon. Friend the Member for Hull, and the right hon. Baronet opposite were Members, five or six years ago, of a committee which had recommended the very principles now advanced by the right hon. Gentleman the President of the Board of Trade. But he rose principally upon this occasion to draw the attention of the House to the importance of not confining the schools of design to London, but to make it a central school and a nucleus for local schools. Let it be the centre of a large system, giving assistance to Liverpool, to Birmingham, to Glasgow, and wherever a taste could be formed. This was the plan, supported by Mr. Dyce, of the school of design, and by the handloom commissioners. The facility of communication afforded by railways would enable the easy transport of models and books from one part of the country to the other, and he, therefore, thought that the right hon. Gentleman should make the London School of Design a normal school, and extend aid to its branches, not only in Spitalfields, but throughout the country, adopting the principle of Necker, that art would always repay the sum laid out upon it, with interest. Government could not create these schools, but they could promote the formation of them; and he was sure that the principle would ultimately prevail, and that the expense incurred would be amply repaid, not only in a commercial point of view, but in the improvement of the condition of the people. He could not be guilty of the injustice of omitting to notice the extremely liberal assistance given by the right hon. Baronet opposite to all places of this description. He felt that all those modes of advancing the people of England by providing them with schools of design, and libraries, and mechanics' institutions, would have the very best effects, and he had no doubt whatever that if the advancement in the fine arts were encouraged, Great Britain so far from being behind its continental neighbours in this respect, would speedily rival them, and outstep them in their exertions.

Mr. *W. Williams* regretted that notwithstanding the expression which had been given last year of a desire to assist institutions of this kind, so little had been done. The advantageous results likely to proceed from the carrying out of these plans was distinctly proved by the fact that although a school of design had been within these three months established in Spitalfields, it was already attended by a very large number of scholars. Notwithstanding the opinion expressed by the right hon. Baronet opposite, that the populations of Manchester and other manufacturing districts should themselves contribute towards the establishment and maintenance of public educational institutions, he could not but express his belief that the scheme would have small success unless it were known to receive the support of the Government. He thought that if 1,000*l.* were granted to the four chief manufacturing districts in this country, namely, Manchester, Glasgow, Coventry [*a laugh*], and Norwich—and he mentioned Coventry, because it was in the midst of a large population, engaged almost entirely in a species of manufacture peculiarly requiring the aid of education, by means of schools of design or otherwise—it would lay the foundation of the establishment of most important institutions; and he thought he was not asking too much when he suggested that such a grant should be made. The manufactures of France and Prussia and of other continental states, had greatly improved by reason of schools of design being established in them, supported by the Government; but yet all, with the exception of France, were vastly inferior to Great Britain, and he attributed the great success of that country to the fact of their having had schools of design for many years.

Mr. *Wakley* said, that after the hon. Member for Coventry had called for so large a sum as 1,000*l.* for the four towns to which he had referred, he must put in his claim for Finsbury. The hon. Member had specifically alluded to Coventry, but he believed that there were about five times as many individuals in Finsbury who were entitled to be amused and entertained as there were in that city. But if the public money was to be voted for the amusement of the people, he thought that they should go upon fair principles, and the amount of the population in various districts might be taken, and the money given applied in proportionate sums. But was there to be any money granted? There had been an exceedingly interesting conversation, and the right hon. Baronet had made a most admirable speech. Considering the position of the right hon. Baronet, he was delighted beyond the power of expression to hear such a speech from him, and he could assure the right hon. Baronet that he would be reminded of the sentiments to which he had given utterance when he had changed his position, and when he would have full power to give effect to them. But what would hon. Gentlemen, the Members of the Government, think of this subject to-morrow? Would it enter into their minds at all? They were now fighting for the position which they occupied. They had enough almost to occupy their minds in warding off the blows from hon. Gentlemen opposite, and he feared that in the struggle which they had to maintain they would almost forget the object of the motion of the hon. Member. What the people wanted was money, and not the mere expression of good feeling on the part of this House. It was money they wanted, and without it their object could not be obtained. Would the House give it to them? He believed it would not. It would give them plenty of hopes, of generous feelings, and all that sort of thing; but when they came to the practically useful part of the question, to the lever which would really move the good, the hand would shrink from it. Now why was this? Was it not matter of great importance that the industrious millions should entertain kindly feelings towards this House—and was it not matter of importance that the House should try to devise means for their recreation and relief? Was it not rational that such a motion as this should be made, and was it irrational to expect that it would be opposed? After what had passed, he entreated the hon. Member for Falkirk to withdraw his motion; but before the estimates were voted, again to introduce it in such a manner as to leave it open to no such objection as had now been urged against it. Let there be nothing invidious in it, and let it contain nothing but a prayer for the grant of public money for public purposes. In the course of his daily experience he was frequently thrown amongst persons of the middle classes of society, and there was nothing which he more frequently heard alluded to than the vote of 70,000*l.*, given the year before last, for the stables at Windsor. He heard of it almost every day of his life, and he heard the vote of 30,000*l.*, given for the purposes of education, contrasted with it. These things produced great discontent among the people, and the conduct of this House, with reference to the labouring classes, had created feelings of indignation and hatred against them. He had that day attended a large meeting on the subject of the Poor-laws, which was called for the express purpose of petitioning Parliament, but what happened there? There was a very great struggle between two parties, but those who had called the meeting were outvoted; there were scarcely half-a-dozen who expressed an opinion that there was any use to petition or remonstrate with this House. They said, "Why should we petition the House of Commons? It does not represent the feelings of the people; there is nothing there but class legislation; we detest and despise the House of Commons; it will coerce us, and we will not petition, because it would be useless." Was this state of things to continue? It was a late hour to begin, but it was not too late to do good. He was sure, after what the right hon. Baronet had said, this motion would receive his best support. He hoped that it would soon be submitted to the House in another shape, and he trusted, from what had fallen from the right hon. Gentleman, the President of the Board of Trade, that it would not then be opposed.

Sir *R. Peel* said, that the hon. Member who had just sat down intended to remind him of what he had said at some future time. He would beg to recall to his attention that which he had said, because he thought that there would be no mischief in his doing so. He had said, that the greatest effects were to be produced by independent local exertions. With regard to another subject to which the hon. Member had alluded, he would beg to suggest that those who were fond of alluding, in terms of reproach, to a measure which had been adopted by that House, before they attempted to put their hands into the public purse, had much better supply those immediate wants, of the inattention to which they complained, by means of their own voluntary contributions.

Mr. *Hume* could assure the right hon. Baronet, if he alluded to hon. Gentlemen around him, that they had not been backward in this respect. With regard to the present motion, he begged to add his request to that of his hon. Friend the Member for Finsbury, that the hon. Member for Falkirk would withdraw it, because he thought that it would not be well to have it rejected, and that after the expressions of interest which had been given on its behalf, it would be better to let the matter go to the country without a division. Nothing could have occasioned him greater pleasure than the manly and liberal manner in which the right hon. Baronet had come forward to secure that great principle which was the subject matter of the present motion. He had shown feelings for the people of the very best order, and it was delightful to hear such sentiments expressed in reference to those from whom, in truth, the wealth of this great nation was derived. He, therefore gave him his sincere thanks for the speech which he had made, and he hoped that he would look with perfect contempt at every attempt made to misconstrue his really benevolent and liberal intentions. It must not be taken that the Government had been quite so supine, and so careless of the advantages which the people were entitled to demand, as it seemed to be supposed; for although it was true that a grant of no less than 70,000*l.* had been taken for the erection of stables at Windsor, they had laid out 15,000*l.* in the course of the last year in effecting an object highly important to the middle and labouring classes in London. Within the last year they had purchased Primrose-hill for the exclusive convenience of the public, and had so secured a most important means of maintaining, to a considerable extent, the health of the city. He said, therefore, that the Government had shown every disposition to secure, in this respect, the interests of the poorer classes; and if they took that interest in the general subject before the House which was due to it, we might soon hold out an establishment which we might challenge the world to equal. He should that day week claim the assistance of the House to obtain the free admission of the public to the national monuments in Westminster Abbey, so long concealed from general view; and he trusted that the House would agree with him in the view that that was an important means to secure the improvement of the public taste. The public health, however, was also a matter requiring the best attention of the Government; and he could not but express a hope that they would take advantage, of giving opportunity for increasing the means of recreation for the poorer classes, by the establishment of pleasure grounds or open spaces in which they might obtain exercise, and by means of which the city might be ventilated. He could not hear the subject mentioned of throwing open the national exhibitions to the public, without calling to mind the comparison which had been drawn between the English and French nations, and the assertions which had been made, that the English could not be trusted where any valuable works were deposited. We were now able upon personal observation, to see how unfounded this charge was, for in one particular case no fewer than 25,000 persons had passed through a dwelling in one day, without any mischief being done. Turning, however, to the subject before the House, he must express his earnest hope that the Government, by providing a room for the purposes of mechanics' institutions, would secure the object which was sought, and which he had no doubt would be completed by public subscriptions.

Mr. *Gillon* replied, he could not regret that he had brought this subject under the discussion of the House, because that discussion, he was convinced, would produce universal satisfaction throughout the country. With reference to the observations which had been made upon the subject of the form of his motion, he must say that he had not worded it with a view to drawing any invidious comparison, but to justify himself, and the right hon. the Chancellor of the Exchequer, if he had agreed to his proposition, for disposing of a portion of the funds in the hands of the right hon. Gentleman in the manner which he proposed. He could not close this discussion without declaring the unbounded satisfaction with which he had listened to the speech of the right hon. Baronet; and he was sure that the sentiments which he had expressed would tend to raise his long-established and deserved reputation even higher than it already stood. In general, he must say, that the motion had been looked at in a too circumscribed view, for it was not a motion only for the establishment of schools of design; his object was, the rational improvement of the working classes in general. He had heard with great satisfaction from the right hon. Gentleman, the President of the Board of Trade, that the mere consideration of money would have nothing to do with the final determination of this question. Following the advice of his hon. Friends he should withdraw his motion; but in the event of his not finding some practical steps taken to carry the beneficent feelings which had been expressed into effect, he should take another opportunity of bringing the same question before the House at some future time.

Motion withdrawn.

IMMIGRATION INTO THE COLONIES.] Mr. *Mackinnon:* In rising on this occasion it is not my intention to dwell long on the subject or to enter into any lengthened details on what is well known. I have no interest whatever in this question, and if her Majesty's Government will take it up I will most readily give way, and certainly something ought to be done. The subject is one of great importance both to our colonies and to the mother country, and it ought to be brought to a final settlement. Either it is desirable to have labourers admitted into our foreign possessions, or it is not; if the former, let us take steps accordingly, if not advisable, let us proclaim that such is the case. How can you propound any legislative enactments except by a committee? Let the proprietors of land in our colonies know their fate, and if they are to perish, let them perish in the face of day. In the present day, with a reformed Parliament, and a population out of doors quite equal in talent and information to any individuals in this House, how can you legislate on any important question but by the sanction and support of public opinion? How can this be obtained but by collecting all the information which can be produced before a committee of the House who can make their report, attach the evidence to it, and by that means lay it before the country? One is therefore at a loss to perceive why the Government should negative this proposition of mine, which I understand they will do this night. However, not frightened at this threat, I will at once come to the point, and show to the House why there is a necessity to have a committee on the subject. Nothing can prove this more than the discordant sentiments which are entertained on the subject, not only by the Secretaries for the colonies, by the local governors in India, but even by every third person that may be met who entertains a different sentiment from his neighbour on the importance of this question. I will just show the House the various sentiments which have been pronounced on this important question. The late Secretary for the Colonies writes a dispatch to Governor Light, governor of Guiana, in which are the following words:—

October 29, 1839.

"With regard to the introduction of labourers from India, more than enough has already passed to render her Majesty's Government decidedly hostile to every such project; and the laws now in force in the different presidencies would effectually prevent the execution of this part of the scheme. We are not less opposed to the plan of recruiting the negro population of the West Indies from Africa. Finally, I do not perceive that any provision is made to secure to the emigrants on their arrival a proper reception, or to determine in what manner they shall be settled amongst the different candidates for their services. For all these reasons, I have thought it my duty humbly to advise the Queen to disallow this ordinance, and I have received her Majesty's commands to acquaint you that it is disallowed accordingly. I have, &c.

(signed) NORMANBY.

Now what says the present Colonial Secretary, the noble Lord opposite me, in a letter dated February 15, 1840, in a despatch that does him much honour, but yet is at direct variance with the directions of his predecessor in office.

"Having made these observations, I have to add, that I have no indisposition to allow the attempt to be made to recruit extensively the population of Guiana. I will state, in a separate despatch, the modifications I think necessary in an ordinance, to replace that which Lord Normanby advised her Majesty to disallow. Freedom of labour is the general principle, and restriction should be the exception. But in whatever degree I might be disposed to yield to the representations of the merchants and proprietors, whether in this country or in the colonies, I must enjoin upon you to bear in mind, that the happiness of the inhabitants of the colony you are appointed to govern is the chief object. Encourage religious instruction, let them partake of the blessings of Christianity, preserve order and internal peace." (signed) JOHN RUSSELL.

Now without wishing to detain the attention of the House longer on this correspondence, let us advert to the persons holding official situations in our colonies. What says Governor Light, the person directing the government in Guiana, and afterwards what says Sir Andrew Halliday?

"I am convinced that under proper regulations, as to sexes and location, the natives of India might safely be introduced here to the great amelioration of their own condition, and the undoubted benefit of the province, which only requires labourers to make it a second India."

Sir Andrew Halliday also writes as follows:—

"If all the West-India islands were swallowed up in the ocean, and British Guiana yet remained, it is sufficient of itself to supply the wants of the mother country with colonial produce."

Similar instances of a diversity of opinion may be found in all the correspondence that has taken place between the parties interested in the Government and management of various colonies, and perhaps a still greater discrepancy in opinion exists in the minds of various individuals on this subject, some assert that the Hill Coolies and others will be benefitted by a change, that the climate of Guiana is superior to that of India, that they receive in the latter five rupees a month in place of two rupees. That they are not subject to the devastating dearths, and famines peculiar to the dense population of India, that the climate in the Mauritius particularly is much superior to their native one of India, that they have the benefit of religious instruction in our colonies which they have not in their own country, that they have a day of rest on Sunday. In short, the advocates of immigration make out that all the advantages are in favour of such a permission sanctioned by the legislature. On the other hand, the opponents of the measure at the head of which stand conspicuous Mr. Sturge of Birmingham, and the Society of Friends all oppose such a measure, they assert that you will begin slavery again, that the immigrants into our colonies are little better than slaves, that the work is harder, and no care is taken of the hired labourer, and that in point of fact his condition is not an improvement on slavery. Now who can decide between these conflicting sentiments? how can the Government determine? the colonial Secretary has too much occupation to attend to these details, the Under-Secretary now by his side, cannot find time, as to the other hon. Gentleman, next to him; the Attorney-general, he too has no leisure, he has to attend to his duty in this House, to Westminster-hall, and besides, an occasional excursion to hunt after fees at York, and to pick up a stray case at Manchester. How is it possible, therefore, for the Government to prepare a bill, that can satisfy the country, and unless you satisfy public opinion on this subject, you do nothing, positively, and absolutely nothing. The only plan to pursue, is for you to obtain all the evidence you can on the subject, and lay it before the country, let them decide, and then legislate on the subject. What an absurdity to frame in the Colonial Passengers Bill a clause in which you laid down the principle of emigration and yet after laying it down, you are afraid to bring it into operation! Why did you give directions to the Governor-general of India to institute a committee on the emigration of the Coolies from Bengal, and yet when that committee, which was composed of most respectable individuals, reported in favour of sending out the Hill Coolies, why did you not take notice of that report, dated in October, 1839, from Bengal, when it was made by the express desire of her Majesty's Government. You have expended millions and millions to extinguish the Slave Trade, an hon. Gentleman, late a Member of this House, asserts, that one hundred millions have been spent on that question, and emancipation has been carried to the satisfaction of Great Britain and of the civilized world. You have done right. Let not this odious traffic be renewed, let it die for ever. If, however, you can by certain humane, considerate, and good enactments, promote the welfare of the inhabitants of India, or of any other country, that is over-peopled, if you can send labourers to Guiana or to any of our West-India possessions, if you can cultivate 100,000 square miles of land, of which that colony is composed, if you can ameliorate the condition of the sons of India or of Africa, if you can augment their happiness; in short, if by any means the condition of mankind can be ameliorated, or their situation improved, let us do our best in that great work, and unite together to ascertain whether or not it may be in accordance with the welfare of the human species, that labourers should be sent to our colonies. Do not forget, that the British public cannot exist without sugar, if this sugar cannot be obtained from our colonies, slave-made sugar will be required, and then, after all our expenditure in abolishing slavery, slavery will be encouraged. There are no bounds to the productions that may be obtained from Guiana, cotton, indigo, sugar, all the luxuries, all the enjoyments of European life, are found in those regions, if these can be obtained by laws consistent with humanity, well and good, if not, let them be discarded for ever.

Motion withdrawn. — House counted out.

* * *

HOUSE OF LORDS,

Friday, March 12, 1841.

MINUTES.] Bills. Read a second time:—Lord Keane's Annuity.—Read a third time:—Tithe Composition (Ireland); Court of Exchequer (Ireland).

Petitions presented. By the Duke of Richmond, from Gaolers, and subordinate Officers of Gaols in England, for Pensions when old age rendered them incapable of performing their Duties.—By Lord Hill, from Ellesmere, against any Alteration of the Corn-laws.—By the Earl of Mountcashell, from Londonderry, and by Lord Wharncliffe, from a Presbytery in Ireland, for the Abolition of Church Patronage in Scotland.—By the Earl of Hardwicke, from the Board of Guardians of the Caxton and Amington Union, Cambridge, against the Poor-law Continuance Bill.

MR. KERR] The Duke of *Richmond* said, that he had a petition to present from a gentleman with whom he was not acquainted, and therefore could not answer for the correctness of the circumstances which he was about to state. Feeling, however, that his case was one of importance, and his complaint of a serious nature, he had asked the noble Lord, the Secretary for the Colonies, to communicate with one of his colleagues in that House, as to the truth of the statement. The petition was from a gentleman of the name of James Kerr, a barrister of the Inner Temple, and formerly judge of the Vice-Admiralty Court, Lower Canada. He had held the situation for forty years, but had been deprived of it without any trial, or any opportunity being given him of making any defence. He, therefore, hoped the noble Marquess would state the cause of the gentleman's dismissal.

The Marquess of *Normanby* said, that he had not communicated with the noble Lord, the Secretary for the Colonies, on the subject. He was really sorry, however, that the gentleman in question had been so ill-advised as to bring the matter again before their Lordships. He was aware that he was a person very respectably connected, and he believed that he had acquired the good will of a large portion of the people of Lower Canada. At the same time, as the petition had been presented, it was impossible for him to pass over in silence the allegation that he had been dismissed without trial. He would state to their Lordships what had occurred. Mr. Kerr was judge of the Admiralty Court, Lower Canada. In the year 1815, a sum of money, amounting, he believed, to about 1,500*l.*, was placed in the hands of the registrar of that court, which, in the course of law, became the property of the Crown. Mr. Kerr, on going to England, transferred this money to his own agent in London, and up to the year 1834 made no account of it, but kept it at his own disposal. Sundry letters at that period passed on the subject, and about the commencement of 1834, the money was repaid. The circumstances, however, came to the knowledge of the Admiralty, and the result of their examination into the case was, that Mr. Kerr was dismissed. The transaction was also made known to his noble Friend (Lord Monteagle), who was at that time Secretary for the Colonies, and he had felt it his duty to dismiss Mr. Kerr from the office of judge, which he held in the Court of Queen's Bench, Montreal. In 1839, Mr. Kerr transmitted, through Sir John Colborne, an application, in the nature of an appeal to the favour of the Government, but he (the Marquess of Normanby) could see no reason whatever for disturbing the decision that had been come to. Under these circumstances, he regretted that the gentleman had been advised to petition their Lordships, and that he had been obliged, in consequence, to state the facts of the case.

CANADA—ST. SULPICE.] The Marquess of *Normanby* laid on the Table a copy of the charter granted to the seminary of St. Nicolet, Lower Canada.

The Bishop of *Exeter* wished to know whether the noble Marquess had looked into the report of Chief Justice Stuart, in regard to the legal right of the seminary of St. Sulpice, and whether or not it was to be laid on the Table?

The Marquess of *Normanby* said, he had looked into the report, but he found that there was that objection to the production of it which he stated yesterday. Strictly speaking, the report was the opinion of one of the law officers of the Crown. and, according to the general custom, was to be considered as confidential, and ought not to be given to Parliament. On examining the report, he did not see any special circumstances to induce their Lordships to depart from the usual custom. Supposing that it was produced, he did not think that it would help the rev. Prelate at all in making out his case. He admitted, however, that the opinion was against the legal right being in the Crown; but he hoped, when the discussion came on, that he should be able to convince their Lordships, that the rev. Prelate had no case whatever.

The Bishop of *Exeter* said, that he would not press for the production of the paper, but he submitted to their Lordships if it would not have been fairer on the part of the noble Marquess, if he had, on his own responsibility, refused at once to produce the report, than to have said, that there was nothing in it which would support his case. He did not think that a correct mode of proceeding. The despatch of the noble Earl opposite (Earl Ripon) would completely answer his purpose, and enable him to sustain the position which he meant to maintain before their Lordships.

The Marquess of *Normanby* said, that the accusation of unfairness was so often made by the rev. Prelate, that it now lost much of its force. He would remind their Lordships that he had made the admission that the legal opinion was, that the right was not in the Crown, and that therefore, the report could not assist the argument of the right rev. Prelate. Under these circumstances, the right rev. Prelate had asked for that opinion—

The Bishop of *Exeter*: No, no, no. I asked for the special report of Mr. Stuart, because I understood it dealt with the legal question. The noble Marquess says that the report would not support my argument. Why did he withhold the report, and yet attempt to produce an impression that it was unfavourable.

The Earl of *Minto* rose to order. The right rev. Prelate had interrupted his noble Friend, and was now making a speech himself.

The Bishop of *Exeter* thought that the noble Marquess had finished.

The Marquess of *Normanby* could not conceive how the right rev. Prelate could have thought that he had finished, for when he interrupted him, he was in the middle of a sentence. The right rev. Prelate said, that he had asked for the special report of Mr. Stuart, and in answer he (the Marquess of Normanby) told him that he considered the report as the opinion of the law-officer of the Crown, and therefore, could not consent to its being laid on the Table. At the same time, he volunteered the admission that he did not think it would be useful to the right rev. Prelate's case, even if produced, because the law-officer in question had stated it as his opinion that the legal right was not in the Crown.

The Bishop of *Exeter* regretted that the noble Marquess had ever mentioned that the opinion of the law-officer was unfavourable to his argument. He also regretted that the noble Marquess had thought proper to say, that he (the Bishop of Exeter) was in the habit of throwing out insinuations of unfairness. He never did so without giving the parties an opportunity of meeting the charge. He was also sorry to add, that the spirit so frequently manifested of late on that side of the House sometimes provoked him to use such expressions.

Subject at an end.

POOR-LAW COMMISSION (IRELAND).] The Earl of *Glengall* moved that a clerk in the office of the Poor-law commissioners of Ireland, and Mr. D. Phelan, an assistant-commissioner, be ordered to attend at the bar of their Lordships' House on Tuesday next.

The Marquess of *Normanby* said, that he had no objection to the inquiry being extended, but he thought it would be better if the noble Lord postponed his motion till after the examination of Mr. Stanley. At present, when the annual election of guardians was taking place in Ireland, it would be exceedingly inconvenient for Mr. Phelan to leave that country. If the noble Earl pressed the other part of his motion, he had no objection to the clerk in the office of the commissioners being ordered to attend.

The Earl of *Glengall* thought that the presence of the gentleman to whom he had referred would be so very necessary, that he should consider himself bound to persist in his motion.

After some further discussion, it was agreed that the Marquess of Normanby should write by post to desire the attendance of the clerk, and that the attendance of Mr. Phelan, the assistant commissioner, should be deferred until it appeared that his presence was absolutely necessary.

Upon this understanding, the Earl of Glengall consented to withdraw his motion.

Motion withdrawn.

Adjourned.

HOUSE OF COMMONS,

Friday, March 12, 1841.

MINUTES.] Bills. Read a second time:—Ordnance Survey; Bankruptcy; Insolvency; and Lunacy.

Petitions presented. By Mr. Smith O'Brien, from Crone, in favour of Lord Morpeth's Registration of Voters Bill.—By Mr. Hutt, from Hull, in favour of the Jews Declaration Bill; and from the Chamber of Commerce of Aberdeen, against the Stade Duties.—By Mr. Hawes, from the Central Committee of the Religious Freedom Society, against the appointment of paid Chaplains to Union Workhouses.—By Mr. Bruges, from the Mayor and Town Council of Bath, in favour of the Jews Declaration Bill.—By Mr. H. Berkeley, from the city of Bristol, for the Establishment of Local Courts.—By Mr. Kemble, from some place in Surrey, complaining of the inefficiency of Medical Relief afforded to the Poor, and suggesting a remedy.—By Mr. Dugdale, from the Rate-payers of the Hundred of Hemlingford, Warwick, against paying the Expenses on account of the Birmingham Riots in 1839.—By Mr. Easthope, and Mr. Baines, from Baptist Dissenters, and Independants of Olney, Salah, Lincolnshire, and a great many other places, for the Abolition of Church Rates, and the Release of Mr. Baines.—By Mr. Wakley, Mr. T. Duncombe, Lords Duncan, and Mahon, from St. Columb, Cornwall, Southampton, Merthyr Tydvil, Suffolk, and other places, against the New Poor-law Amendment Act.—By Mr. Hawes, from Landowners and others engaged in the Sugar Trade in the East Indies, against the East-India Rum Bill as amended.

CHRISTIANS IN SYRIA.] Sir *R.H. Inglis*, seeing the noble Lord the Secretary for Foreign Affairs in his place, would take that opportunity of presenting a petition to which he would beg to call the noble Lord's attention, as he wished to put a question to him respecting its prayer. The petition was from the vicar and clergy of the parish of Sheffield. The petition related to the condition of Christians in the Levant. The House was aware that for a long period the Emperor of Russia was regarded as, and in fact was, the protector of the Christians of the Greek church residing in the Levant. In the same way, as was also well known, France had claimed the right of protecting the Christians of the church of Rome resident in Syria. Under those circumstances he would urge that the Sovereign of England should be regarded as the protector of Protestantism in that country. Considering, as he should always consider, that Protestantism was the brightest jewel in the British Crown, he felt that as Russia protected the Greek Christians, and France those of the church of Rome, Protestants in Syria should be considered under the special care and protection of the Sovereign of England. The petitioners, indeed, did not pray for this; but he did urge that such steps should be taken by our Government as would place the Christians in Syria—he alluded more particularly to Protestants—in at least no worse condition than they were before the late events in that quarter. He was aware, and he spoke in the hearing of some noble and hon. Friends who had still more recently visited those regions, that before those events the Christians did enjoy protection in the exercise of their religious rites, as well as a more general security under the Turks, and certainly an unrestricted access to the holy places. What he was anxious about was, lest by any results of the late events they might be placed in a worse condition than before. The petitioners felt grateful to Almighty God for the successful termination of our late efforts in Syria, and they hoped for full protection to Christian worship. They were aware that matters of this kind were in general better left to the executive Government; but they hoped that the expression of opinion in that House might influence the executive in favour of the Christians resident in Syria and the Holy Land. They also prayed that protection might be extended to the Jews in the exercise of their worship. On this he would not say any thing, but one circumstance he would mention as he had heard it—that the first use which the Jews of Damascus and other places made of their liberty was to persecute the Christians. He said he would not trespass longer on the House, but, thanking it for the kind indulgence extended to him, he would beg to ask the noble Lord whether her Majesty's Government had done every thing in their power to make the condition of the Christians in Syria better, or at least to prevent its being worse, than it had been before the late events in that quarter?

Viscount *Palmerston* could assure the House and the hon. Baronet that the matters to which the petitioners referred had not escaped the attention of her Majesty's Government; they were too interesting on every account to have been neglected. Without stating the particular steps that had been taken, he was happy to be able to inform the House that a course had been adopted in order to urge the Porte to do what the petitioners so earnestly recommended, namely, that the Christians in Syria should not only not be in a worse position than before the late changes, but, if possible, that their condition should be improved as regarded the exercise of their religion. As to what was called the right of protection, he might observe that the protection of the Greek religion by the Emperor of Russia arose out of distinct treaties with the Porte: every body was probably aware of the circumstances under which these treaties had been signed, and they stood on peculiar grounds. The sort of acknowledged right of the French Government to intercede for Roman Catholics was of very ancient date, and arose out of circumstances, as well as out of times, very different from the present. It was not, therefore, easy for the British Government to obtain an analogous privilege as regarded the Protestants; but care would be taken to employ all the influence which the British Government might have acquired at Constantinople to effect such an object. With regard to the Jewish population also, her Majesty's Government had taken steps to obtain from the Porte full security for that portion of the subjects of the Sultan; indeed, if the hatti scheriff were fully enforced it would secure, both to Christians and Jews, the objects which the hon. Baronet had in view.

TURKEY AND EGYPT.] Lord *Francis Egerton:* I wish to put a question to the noble Secretary for Foreign Affairs. It has reference to a document received subsequently to the last advices from Egypt, which has appeared in the ordinary channels of information. It is an extract from a hatti scheriff issued by the Sultan, conveying to Mehemet Ali and his descendants the pachalic of Egypt. Perhaps the noble Lord will be good enough to inform the House whether the version of the document which has been published be correct; and if so, whether it have received the sanction of her Majesty's Government, and of the three other Powers, and whether it is proposed to adhere to the provisions of it.

Viscount *Palmerston:* I have received an official copy from the Turkish ambassador of the firman sent to Mehemet Ali, conferring upon him the government of Egypt in hereditary succession, that is to say, upon him and his descendants, on certain conditions. I have not compared it with the document which has appeared in the public journals, and I am therefore not able to say whether the latter is a correct version, but I dare say it is—indeed I have no doubt of it. This instrument has been issued by the Sultan on his own authority, and it was only yesterday communicated to her Majesty's Government. Until some question shall arise thereupon on which the four Powers may be consulted, I apprehend it is a matter between the Sultan and his subject Mehemet Ali.

Sir *Robert Peel:* This is certainly a subject of great importance, and out of which serious questions may arise. It was understood that an engagement was entered into with Mehemet Ali, that the hereditary pachalic of Egypt should be conferred upon him and his family. By the document lately received, the Porte has reserved to itself the power of determining which of the sons of the Pacha shall succeed him. I beg to ask, whether this new engagement is conformable with that formerly entered into, and whether it is a measure to which the four Powers are parties?

Viscount *Palmerston:* As the questions are put to me I answer them, and the right hon. Baronet must not complain if I do not reply to questions not distinctly propounded. I now understand him to ask whether the four Powers do or do not approve of that particular condition of the firman which reserves to the Sultan the right of selecting one or other of the descendants of Mehemet Ali, who is to succeed him in the pachalic? I am sure the right hon. Baronet will see that it is impossible for me to say what the four Powers may or may not do on that point. We understand by a private, and not an official, account from Alexandria, that the Turkish commissioner who carried the firman to Egypt, did, on the 23d or 24th of February, transmit a representation on the point to Constantinople. What the Sultan may determine—whether on his own authority he will modify the provisions of the firman, or whether before he modifies them he will ask advice of the allies it is impossible for me to say beforehand. The intention of the four Powers in advising the Sultan undoubtedly was, that he should grant the *boná fide* hereditary succession to the descendants of Mehemet Ali, in as nearly a direct line as the nature of things and the interests of both parties would admit. It was never intended, however, to derogate so far from the rights of the Sultan as to create in Egypt a separate and independent sovereignty; but that the pachalic should be guaranteed *boná fide* to Mehemet Ali and his descendants.

An *Hon. Member* on the opposition benches was understood to ask whether the firman alluded to, had received the sanction of the British Government?

Viscount *Palmerston:* The Porte, as I observed, has issued this firman on its own authority; what the precise communications were between the Porte and the representatives of the four Powers at Constantinople, I really cannot with accuracy state.

Lord *Sandon:* Am I to understand the noble Viscount to say, that he has no knowledge whether the hatti scheriff was communicated to the British ambassador before it was sent to Alexandria?

Viscount *Palmerston:* I mean to say, that the representatives of the four Powers at Constantinople, have been constantly in communication with the Porte regarding every step in these negotiations. If I am asked whether the hatti scheriff in the shape in which it was issued, was communicated to the British ambassador before it was so issued, my answer is, that I cannot tell.

An *Hon. Member* on the opposition benches: Am I to understand that the noble Viscount has received no despatches from the British ambassador on the subject?

Viscount *Palmerston:* No despatches containing a copy of the hatti scheriff.

Mr. *Ewart:* The firman does not, if I am correctly informed, adhere to lineal descent. May I ask the noble Lord if he knows what is the intention of the Porte on the question?

Viscount *Palmerston* had not distinctly heard the question of his hon. Friend.

Mr. *Ewart:* It was understood formally that the pachalic of Egypt was to descend by hereditary succession, according to usage, and without being subject to the arbitrary nomination of the Sultan. Is the noble Lord aware what advice was given by the four Powers upon that point?

Viscount *Palmerston:* The advice given by the four Powers did not go into any minute details, but it was, that the Sultan should grant the hereditary succession to the pachalic in a direct line; each succeeding Pacha was to receive his investiture from the Sultan, and the pachalic was not therefore to descend as an independent sovereignty.

Lord *Sandon:* Do I understand that the discretion the Sultan now appears to reserve to himself, was made known to the British ambassador before the hatti scheriff was issued? If it were made known, then, I ask if it is remarked upon in the despatches or other communications to the noble Lord. In short, was it made the subject of remonstrance by the ambassador of Great Britain?

Viscount *Palmerston:* I am not aware that there was any remonstrance on the subject. But I really must put it to the House whether this is a fit course of proceeding. I am called upon to give explanations before any official communications have been made, and while discussions are still pending. It is calling upon a British

Minister to speak to much more than he is able to answer for. If I am to give my opinion, it can only be an opinion upon circumstances, not yet communicated by any of the representatives of the four Powers. I should certainly say, that my understanding of the hatti scheriff is, that it was intended to reserve to the Sultan the sovereign right which must belong to him—to confer the government of Egypt, but not to evade the *bonâ fide* execution of the previous arrangement, or to set aside those successors who would be naturally looked upon as the descendants of Mehemet Ali.

Subject dropped.

Poor Law (Ireland).] Colonel *Dawson Damer* begged to be informed, what had been the result of the inquiries of the noble Secretary for Ireland respecting the building of a workhouse in a Poor-law Union in Queen's County? He observed in the newspapers a letter from Mr. M'Donald to Dr. Jacob, chief medical attendant of the County Hospital and Lunatic Asylum, who for his activity and intelligence had been chosen one of the Poor-law guardians at Maryborough. That letter threatened, that if Dr. Jacob continued to act as Poor-law guardian, the Lord-lieutenant would deem it proper to appoint another gentleman to the situation of medical attendant at the Lunatic Asylum. This seemed a very arbitrary measure, and he (Colonel Dawson Damer) wished to be informed if the letter were authentic?

Viscount *Morpeth* had received a statement from the Poor-law commissioners, explanatory of their conduct on the question of the site of the workhouse referred to by the hon. and gallant Member, which he should be happy either to show to the hon. and gallant Member, or to lay upon the Table of the House. As to the question whether the letter addressed to Dr. Jacob by Mr. M'Donald, and published in the newspapers, were or were not a correct copy, he could only say that he believed that it was a correct copy.

Colonel *Dawson Damer* expressed a wish, that the explanation of the commissioners should be laid upon the Table.

Lord *Morpeth* intimated that he would present it.

Criminal Law.] Lord *John Russell* asked the hon. and learned Member for Ipswich, whether he intended to proceed with his Criminal-law Bill on Wednesday next? He did not wish to supersede that bill by any Government measure, but it would be more convenient if the hon. and learned Member would take another day.

Mr. *Kelly* was glad to take this opportunity of stating, that it was not his intention to go into committee on his bill until after Easter. He had been induced to come to this decision principally by the introduction of several bills on the same subject by the noble Lord. He took it for granted, that all those bills would be printed, and probably read a second time, but that they would not be committed until his bill had advanced to that stage. He hoped that these questions would ere long be finally settled by the House. He apprehended that he must take some Wednesday after Easter, unless the noble Lord were disposed to grant him an evening when Government business was usually transacted. The hon. and learned Member concluded by moving for certain unopposed returns of persons indicted, convicted, and punished in 1837, 1838, 1839, and 1840. They were ordered to be laid before the House.

Colonial Duties.] Mr. *Labouchere* moved the Order of the Day for a Committee of the whole House, to consider the Customs duties in the West Indian and North American Colonies.

House in Committee.

Mr. *Labouchere*, pursuant to notice, rose for the purpose of calling the attention of the House to that system of duties, which had been established under the authority of the imperial Parliament, in the western portion of the dominions of her Majesty. He should likewise have some observations to make on the manner in which the trade of those colonies had been conducted. Although the subject was not of a nature to excite party feeling, and although it would necessarily oblige him to enter into many dry details, yet he was satisfied that he need not solicit the attention of the House to a subject of such vast importance, involving the interests, not only of the colonies, but of the whole empire. He also relied upon that indulgence which the House was generally pleased to extend to one who, in the discharge of an official duty, was compelled to address them at some length on a question of this nature. He would not detain the committee by entering at any length into the former proceedings of Parliament in regard to colonial duties. The old system confined the trade of the colonies to the mother country. Even Ireland was then considered a dependency of Great Britain, and was prohibited to have any direct trade of her own with the British colonies. This system was maintained in all its rigour until the year 1780. The first inroad upon it was then made. That was after the close of the American war, when it became necessary to look to the rising spirit of discontent in Ireland, much fomented by the illiberal and unjust policy of this country in respect to commerce. By the first relaxation Ireland was put, not on the same footing as England and Scotland, but she was able to export her own produce to the colonies and to receive colonial produce direct in return. The next great change did not occur until the year 1822, when the present Lord Ripon, then Mr. Robinson, was President of the Board of Trade; he introduced some important measures on the subject of colonial trade, by which he greatly relaxed the rigour of the navigation laws. In lieu of prohibitory duties he established a system of regulating or protecting duties. As many of the duties then imposed by Mr. Robinson still subsist, he was anxious to read the views that gentleman entertained; in imposing a new scale of duties, such as he had described, Mr. Robinson thus spoke:—

> "That protection can, in this instance, be afforded to them in no other way than by imposing a moderate duty upon the importation into the West Indies of those foreign articles, such as grain, flour, and lumber, which are equally the production of our own dominions. I shall not now trouble the committee by going into details further than to state that the duties should be so moderately calculated and so justly apportioned, as not to deprive the people of the United States of their fair proportion of this necessary supply, or seriously to enhance the price to the consumer."

Such were the principles on which Mr. Robinson declared his measure to be founded in 1822. He now came to the year 1825, when another still more important step was taken in the same direction, under the auspices of Mr. Huskisson. That right hon. Gentleman had brought forward large measures of colonial reform, and procured the passing of an act which, with a few immaterial exceptions, is still the law regulating colonial trade. Mr. Huskisson therefore still further relaxed the navigation laws, and in the next place he established bonding warehouses in the colonies—a measure productive of the greatest advantages, both to the mother-country and to her foreign possessions. In the third place, Mr. Huskisson removed those prohibitory duties which Mr. Robinson had permitted to remain. In his speech upon that occasion, Mr. Huskisson stated so clearly his views and principles, that he (Mr. Labouchere) could not do better than read a short extract from his speech to the House; he should do so partly for the intrinsic value of the opinions and principles he stated, and partly because he was glad to shelter himself under the authority of a man whose measures had entitled him to the gratitude and admiration of his country. The following was the mode in which Mr. Huskisson described his measure:—

> "I am prepared to open the commerce of our colonies to all friendly states, upon the same principle (though of course with some difference in the detail of its modifications) upon which they are at liberty to trade with Jersey or with Ireland. With the exception of some articles, which it will be necessary to prohibit, such as fire-arms and munitions of war generally, and sugar, rum, &c., in the sugar colonies, I propose to admit a free intercourse between all our colonies and other countries, either in British ships or in ships of those countries, allowing the latter to import all articles the growth, produce, or manufacture of the country to which the ship belongs, and to export from such colonies all articles whatever of their growth, produce, or manufacture, either to the country from which such ship came, or to any other part of the world, the United Kingdom and all its dependencies excepted. All intercourse between the mother-country and the colonies, whether direct or circuitous, and all intercourse of the colonies with each other, will be considered as a coasting trade, to be reserved entirely and absolutely to ourselves. By this arrangement the foundation of our navigation laws will be preserved, whilst the colonies will enjoy a free trade with foreign countries, without breaking in upon the great principle of those laws in respect to foreign trade—that the cargo must be the produce of the country to which the ship belongs, leaving the national character of the ship to be determined by the rules which apply in like cases in this country. The importation of foreign goods into the colonies I propose should be made subject to moderate duties, but such as may be found sufficient for the fair protection of our own productions of a like nature."

These were the simple principles on which the bill of Mr. Huskisson was founded. Before, however, he proceeded to state the principles of the measure which he was about to introduce to the House, he could not help reminding hon. Members that every one of the measures for the relaxation of the restrictions on our colonial trade, every one of the steps taken to substitute fixed duties for prohibition, or for the lowering of duties, and every attempt to indulge in a liberal course had been encountered by the violent opposition of many important interests in this country, who fancied that they would receive some injury. The very first measure, allowing a trade between the colonies and Ireland, was strongly opposed by these interests, and those persons who recollected the speech of Mr. Huskisson, would remember that he stated that there were petitions against the change from Manchester and from Bristol; nay, that the merchants of Liverpool declared that if Ireland were placed on the same footing as England, the port and town of Liverpool would speedily fall back to its former state. The next measure of Mr. Robinson encountered a storm of opposition not less severe. And with respect to the bill of Mr. Huskisson. hon. Gentlemen who were in the House at that time, would perfectly recollect that the shipowners, a most important interest, and other interests, declared that his were speculative free-trade principles, and perfectly impracticable. In short, all the opposition to those changes was based on the avowal that the plan of a perfect free trade was quite fallacious, and yet the effect of those very measures had been not only to ward off those imminent dangers which a perseverance in the old course was calculated to produce, but to confer great benefits on this country. When, therefore, every step which had been taken had been attended with the most perfect success, it ought to be an encouragement to the House to persevere in the same course. No doubt, in dealing with great and complicated interests, it was necessary to proceed with great circumspection and great caution, and that they ought not to take any means of progress till the course had been clearly marked out; but though care and circumspection were necessary, yet it was the duty of the Legislature and of the Government, when they were satisfied that the danger was vastly exaggerated, to go on with firmness and decision in the course they had adopted. This, as he conceived, was at all times the duty of the Government and of the country, but it was now more than ever necessary that this duty should not be disregarded by the Legislature. When he stated the regulations affecting the trade of our West-Indian colonies and our North-American possessions had undergone no material alterations since 1825, that circumstance would alone suggest to the House, that it was not surprising that a person placed in the situation which he filled, and having necessarily brought under his consideration, questions of this kind, should find it necessary to come forward and propose such a modification in the system as should appear to him to be desirable. When he considered that there had since been the most important revolutions in the trade of the West-Indian and North-American colonies, when he considered the most important change which had been since made in the social, political, and financial condition of these colonies, he said it was the duty of the House and of the Government to take these matters into their serious attention; to weigh well the complaints that had come from the West Indies and from Canada, and to apply a proper remedy to whatever might be the real grievances of those colonies. Mr. Huskisson proposed that there should be an open trade directly between the colonies and foreign countries; but he did not so enact by his bill, but he gave power to the Crown to adopt the open trade whenever foreign countries were willing to meet us on equitable terms, giving in exchange corresponding advantages. Acting upon this power, the Crown had entered into treaties with several foreign powers who had availed themselves of the act; but there were many other foreign countries; as Spain, Portugal, and Naples, who had never been enabled to offer to us any commercial concessions, and with which therefore, the Crown had never been enabled to have an open trade. With respect to France, although the system of trade was in some respects open, yet that country, acting upon what he must consider mistaken views of policy, had prevented the trade with our colonies from being extended, except under great limitations and restrictions. He said, then, that it was the duty of the House and the Government to carry the propositions of Mr. Huskisson into effect whenever foreign countries were disposed to give an assurance that we should have an open colonial trade with them. He would now proceed to consider what was the system which was established by the bill of Mr. Huskisson. And, upon examining that bill, the first thing that must strike them was the very high rate of duties imposed upon foreign goods imported into our own colonies. No doubt Mr. Huskisson had made a very important advance, and so had Mr. Robinson, by substituting duties, however high, for a system of prohibition; but he was sure that the House would see that if the duties were so high as to be, in fact, prohibitory, there was little difference whether they retained prohibition in name, or whether they imposed these high duties that were in reality prohibitory. He could not but think, after he had read the speech of Mr. Huskisson, and had compared it with the very inadequate manner in which the principle was carried out in the tariff Mr. Huskisson had proposed, he could not but think that in the measure that Gentleman was actuated rather by a consideration of the difficulties he had to encounter in carrying that principle into effect, than from any doubt as to the merits of the principle itself: and he thought that if they could at that moment have the inestimable advantage of the presence in the House of that great man, there would be no more efficient supporter of every measure for carrying that principle into effect. What were the duties imposed by the bill of Mr. Huskisson on all foreign goods imported into our West-Indian or into our North-American colonies? The first article was fish; that was one of the most important articles of sustenance of the West Indies; yet fish was absolutely prohibited, if it were not the produce of one of our fisheries. He found next, with regard to lumber, staves, and other articles absolutely necessary for the manufactures of the colonies, and with regard to flour and provisions which formed the food of the people of those colonies, that they were subject to a duty which he could not help thinking very immoderate, for it was a duty varying from thirty to forty per cent. upon the *ad valorem* value; and he could not but believe that an *ad valorem* duty of from thirty to forty per cent. put upon the food of the people, and in a country where the people were obliged to depend for their food upon a supply from foreign countries, because they could not grow it for themselves, could not but be very objectionable and injurious. When he came to the duties which were nominally *ad valorem* duties on foreign manufactures, what scale did he find? He found a duty of thirty per cent. He found that British silks were protected in the West Indies and in Canada by an *ad valorem* duty of thirty per cent. imposed upon silks manufactured in foreign countries. There was another class of goods on which there was a protection of twenty per cent.; among these were glass and cotton goods. English cotton manufactures were protected by a duty of twenty per cent. The idea that it could be necessary to protect British cotton manufactures by an *ad valorem* duty of this amount! There was also a third class of goods, wares, and merchandizes, not otherwise charged, but from which all important articles were excluded, which was admitted at a duty of fifteen per cent. *ad valorem*. He had already stated, that he thought there were various circumstances in the political, social, and financial condition of these colonies which peculiarly required that the attention of the House should be directed to this subject at the present moment. Hitherto it had been the policy of that House to prevent as far as possible the colonies from imposing any duties on the importation of our own manufactures. The fact now was, that many old taxes in the colonies, which had been formerly very productive, could not be any longer endured. For instance, the poll-tax, which in a state of slavery was a sort of a tax upon property, was not at all applicable to the altered position of the West-Indian colonies; and many other sources of income to the colonies were now dried up. The House could not forget that whilst this alteration had been going on, the colonies had been called upon to provide for the improvement in the judicial system, in the police force, in the Houses of Correction, and for increased Church Establishments, calculated to raise the character of the negro population, and to provide institutions fitted for a free people. He might quote, as an instance, the expense which subjects of this kind had cast upon the colony of Jamaica alone during the past year. He found that the expenses created by the new laws in Jamaica for those provisions in the year 1839–40 was, for—

ADDITIONAL EXPENSES UNDER NEW LAWS.

Immigration . . .	£84,000
Judicial system . . .	50,000
Clergy, extra . . .	8,000
Curates, extra . . .	6,000
For the erection of a penitentiary	30,000
For the erection of houses of correction	10,000
Making a total expense of	£188,000

But when the colonies were called upon to contribute towards these expenses, they had a right to say, "You prevent us from raising any income, you oblige us to pay all these heavy expenses, and whilst you tax foreign goods so high that they produce very little revenue, you prevent us from taxing your goods." The alteration in the condition of the West-Indian colonies, therefore, rendered it imperatively necessary that the home Legislature should revise the system on which they were at present placed with regard to the Customs duties. On the other hand, with respect to Canada, he was sure that there was no one who did not feel that it was at the present moment peculiarly necessary to apply themselves without delay to the consideration of what there was of justice in their complaints of the onerous burdens and restrictions placed upon their trade. An address had been lately submitted to his noble Friend, Lord Sydenham, by the last Assembly that had sat in Upper Canada, asking that they might be left almost to themselves to deal with these questions, liable to have their laws disallowed by either House of Parliament, but not to be subject to laws passed in that House. Although he did not think it advisable to comply with this request of the Assembly, yet they ought to consider what changes the colony required, and to comply with them so far as was consistent with the general interest of other parts of the empire. The true principle was, that they should place the colonial legislatures under as little restriction as possible. The home Government and the House should tell them what they absolutely required by way of general regulations, rendering them as little onerous as possible, and then permitting the colonial legislatures to make such other regulations consistently with these as they might think best for themselves, and which they were sure to do infinitely better for themselves than others could do for them. Another point, which struck every one who considered these subjects, was the vast difference in the principle that was acted upon in the western colonies and our eastern possessions. Nothing could present a greater contrast. He had already stated what were the high and onerous duties imposed upon foreign manufactures in the West Indies and in Canada; he would now state what were the duties imposed on the same manufactures in India, in Ceylon, in Australia, and in other portions of our eastern possessions. They were of the most liberal description. In the Cape of Good Hope the duty on foreign goods was ten per cent., *ad valorem* and the duty on British goods was three per cent., *ad valorem*, so that the differential duty between foreign and British goods was only seven per cent., *ad valorem*. Yet did any one ever hear British manufacturers or British merchants complain of our trade at the Cape suffering? Was there any check upon the importation of British goods? And if he showed that this liberal policy adopted in our eastern possessions had been quite successful, what British object could be gained by imposing enormous duties on the same manufactures when imported into the West-Indian and North-American colonies? What good was conferred on British manufactures by fixing these high duties, which were so extremely onerous to the West Indies and to Canada? In Ceylon the duty imposed on foreign manufactures was ten per cent., and the duty upon British manufactures was four per cent., making a differential duty of six per cent. *ad valorem* in favour of the British goods. In New South Wales and in Van Diemen's Land foreign manufactures and goods were admitted at a duty of five per cent., and there was no duty upon British manufactures or productions. In India there was a very light differential duty; silks and cottons manufactured in Great Britain were admitted at a duty of three and a half per cent. *ad valorem*, and foreign manufactures were admitted at an *ad valorem* duty of seven and a half per cent. These statements showed how much more liberal the Crown had dealt with the colonies than Parliament. The restrictions imposed by the Crown had been of the lightest description, whilst, when the House had dealt with the colonies, it had imposed the highest differential duties, with the fancied object of protecting our own manufactures and the interests of

Britain. Wherever the duties were light and the goods of this country met those of foreign manufacture, we always found that we could produce them cheaper and better, and maintain our position in the market. Why had they not applied the same principle to the West Indies and to Canada: We had omitted to do so for no purpose except to excite discontent without producing any advantage to British manufacturers. For it was absurd to suppose that when our manufacturers can compete with foreign manufacturers in their markets, they would in our own colonies suffer from any competition. If our goods were carried to one set of markets they would soon find their way to the others. There was no course that was more calculated to strengthen the ties between the colonies and the mother country, than by placing our colonies in an enviable position with respect to foreign trade and commerce. He would be glad, indeed, if the Canadian, looking across the border, should see that whilst the American was burdened and taxed with heavy duties, the Canadian was himself able to receive his goods from all parts of the world, upon the payment of the lightest duty. By leaving them, therefore, cheaply taxed, with the power of carrying on a free trade to all parts of the world, the House would not only be adopting the best means of advancing the prosperity of the colonies, but would also eminently contribute towards the union between them and this country. Having, then, stated to the House the general principles on which he proposed to alter the tariff, he would read the new tariff which he would himself propose to substitute in lieu of the present in our West-Indian and North-American colonies.

ARTICLES.	Present ad valorem Duties for every £100 of the Value.	Proposed ad valorem Duties for every £100 of the Value.
Clocks, watches, leather, and linen manufactures, musical instruments, wires of all kinds, and books, and papers, silks, &c.	£30 0 0	£10 0 0 Together with any duty levied at the same time upon similar articles, the produce of or imported from the United Kingdom, or other British possessions.
Glass and cotton manufactures, soap, refined sugar, sugar candy, and manufactured tobacco, &c.	£20 0 0	
Goods, wares, and merchandize, not otherwise charged with duty, and not declared free of duty by the 3d and 4th Will. IV., c. 59.	£15 0 0	

There was also a considerable class which embraced a large number of articles, but from which almost every thing of importance was excluded, which bore a duty of 7½ per cent., and these he proposed to leave untouched. For the old tariff of duties, therefore, which now varied on different articles from 30 to 20 and 10 per cent., he would substitute a single duty of 10 per cent., *ad valorem*, leaving untouched the lower duty of 7½ per cent.; but these new duties, like all other duties to be over and above any duties imposed upon similar articles by the colonial legislature themselves. For instance, if the colonial legislature, for the purpose of revenue, should impose a duty of 3 per cent. the whole duty levied upon foreign manufactures in that colony would be 13 per cent. What he wanted to do was to untie the hands of the colonists, and to leave them as much as possible to themselves. —to permit them to undertake their own management, making their general duties as light and simple as possible—telling them that these must be preserved as differential duties; but as for all the rest, the colonies must manage for themselves. He now came to by far the most important class of duties, affecting the interests of the West Indies, the special duties laid upon particular articles of general consumption. He found that the duties imposed upon wheat flour, upon salted pork and beef, upon shingles, upon oak staves, upon lumber, varied from 20 to 40 per cent., *ad valorem*. Now, when he considered that these were either articles which constituted the food of the people, and necessary for them to procure from foreigners, or of such articles as were absolutely required for the cultivation of the soil, and for the sole manufacture that was carried on in these islands, he thought that such a range of duties was perfectly immoderate and excessive, and especially when he recollected that the House was already taking steps—which he sincerely hoped to see followed—which would place the produce of the West Indies on the same footing as that of the East Indies. And as he had asked the House to do justice to the East Indies by doing away with those higher duties which it was an injustice any longer to continue, so he confidently urged upon the House the present proposition for placing the West Indies in a not less favourable position than the East Indies. He, therefore, proposed to reduce all these special duties considerably. At the same time he confessed that he was not dealing with these matters precisely in the same way as if they were to be dealt with for the first time. Had he done so, he would undoubtedly have put these differential duties on a different footing; but considering that other interests had become involved in these duties, he was bound to take these into his consideration. He believed that the duties which he proposed to substitute for the old duties would amount to 12 or 15 per cent. *ad valorem*. The following were the present duties, and those which he proposed to substitute.—

ARTICLES.	Present Specific Duties.	Proposed Specific Duties..
	£ s. d.	£ s. d.
Wheat Flour (except into Canada which is free), the barrel	0 5 0	0 2 0
Beef and Pork, salted, the cwt. ..	0 12 0	0 4 0
Shingles, the 1,000, of 12 inches..	0 7 0	0 3 6
——— above 12 ditto	0 14 0	
Oak staves and Headings the 1,000 .... Red..	0 15 0	0 7 0
White	0 12 6	
Wood Hoops, the 1,000	0 5 3	0 2 6
Pitch Pine and other Lumber (one inch thick) the 1,000 feet	1 1 0	0 10 6

Together with the amount of any duty levied at the same time upon any similar articles the produce of, and imported from, the United Kingdom and other British possessions. He came now to an article which was of the utmost importance to the support of the West Indies, and which was absolutely prohibited; he meant fish, the produce of foreign fisheries. He meant to do away with this prohibition. He was no friend to prohibitions in general. He wished for all commercial purposes that the word were erased from the statute-book, or that it should not be acted upon as a general principle, but very sparingly used under any special circumstances, though he could not see any that would well justify it. Recollecting that fish constituted the principal food of the West Indies, it was most unjust to limit those colonies to a single and often a very narrow supply. But he said that, connected as our own fisheries were with our prosperity, if high protecting duties were justifiable anywhere, they would be justifiable in giving protection to British fisheries, which were of such importance to our maritime power. When, therefore, he proposed to substitute a duty for the present prohibition, he felt bound, on account of the considerations to which he had alluded, to propose a higher duty than had been imposed upon any other article. The duty which he proposed to put upon fish he was satisfied would not be less than an *ad valorem* duty of 25 per cent. The duty in the tariff would be for fish, dried or salted, not the produce of British fisheries, by the cwt. 2*s*. 6*d*., and for pickled fish, by the barrel 5*s*. This also would be in addition to any duty levied in the colonies upon fish, the produce of British fisheries. He would also add, with regard to wine, that was now subject to a variety of duties, some of which were very capricious, the duty changing according to the place whence it was brought, that he would abolish all the present duties, and substitute a single *ad valorem* duty. He proposed, that there should be a duty on wine, in lieu of all other duties on wine, whether in bottles or not, the sum of 7*l*. 10*s*. In addition to these alterations, there were certain other particular points on which he meant to take this opportunity of making an amendment. The first was tea. The House would be aware that tea could not be imported into the West Indies, or into our North-American colonies, from any place east of the Cape of Good Hope, or it must come from England itself. The object of this regulation was to give the benefit of the long voyage to British ships. But there were circumstances existing in British North America which completely defeated the object of the Legislature. From information which he had received from his noble Friend Lord Sydenham, it appeared that three-fourths of all the tea consumed in Upper Canada were smuggled from America. A great loss to the revenue of the colony was the consequence; but this was not its worst effect. It raised up a regular smuggling system, established for the sake of the tea, but which extended itself to other articles, demoralising the country, and producing the worst possible results. The subject had for a long time occupied the attention of the Board of Trade, which, he confessed had for a lengthened period lent to the complaints an unwilling ear, because the Board thought that the evil arose rather from the duties imposed upon this article by the Colonial Legislature; they could not conceive why tea could not be obtained as good in London as in New York, and why it could not be carried as well from London to Quebec as from New York to Quebec. But from what had been since learnt, it appeared that the tea consumed in Canada consisted of the coarser kind of green tea, such as was hardly ever consumed in this country, and consequently the London market was not a place to obtain a good supply, and of course it was dear; whilst, on the contrary, in America, this tea was very generally drank, and New York was necessarily the place where it could be best procured. It then found its way across the border, and pass whatever navigation laws or revenue laws the House pleased, the smuggler would step in and defeat the intentions of the Legislature and the enactments of the act of Parliament. The course which he proposed to adopt to remedy this, was that recommanded by his noble Friend Lord Sydenham. He proposed to allow the importation of tea, as well by land carriage as by water carriage, placing upon that taken overland a slight differential duty. He intended to provide that tea should be legally admitted by land into the provinces in British North America, upon paying an additional duty of one-tenth the amount of duty imposed upon tea by the colonial legislature: it was not an *ad valorem* duty of the tea, but a slight addition of a per centage to any duty that might be fixed upon tea imported by water carriage. And Lord Sydenham had assured his noble Friend near him (Lord J. Russell) that if this proposal were carried into effect, he was satisfied not only that the present system of smuggling would be put down, but that the duty derived from tea in Canada would be treble its present amount. The next point to which he would advert was the question of the duty upon rum, which had been mentioned by the right hon. Gentleman the Member for the University of Cambridge. It appeared that, owing to some accidental circumstance, he believed a blunder in an act of Parliament, West India rum introduced into Canada paid 6*d*. a gallon higher duty than that brought from the East Indies. He was for putting rum, the produce of the West Indies and of the East Indies, upon the same situation in all places, and he would take this opportunity of reducing the duty on West India rum introduced into Canada to the same amount as that brought from the East Indies. There were also some questions of detail, which would be better discussed when the resolutions were upon the Table of the House, when he would explain their object *seriatim*. There was, however, one additional point to which he must advert. He would alter an anomaly which existed in the law as to the trade of the Channel Islands. Whilst they were allowed to send their own produce, the growth of the Islands, into this country without payment of duty, they were prohibited from doing the same into the colonies. He could not think that there was any reason for allowing this distinction to continue. If it were right that the produce of the Channel Islands should be admitted into this country, it was equally right that it should be admitted into our colonies; and he thought that that feeling of jealousy which had induced the distinction to be drawn, should long since have been forgotten. The distinction was a matter of complaint in the islands, and it was right that they should be put on the same footing with the mother country. He did not know that it was necessary now for him to detain the House at any greater length. The main principle upon which he would confess he was anxious that the proposals which he had made should meet with favourable consideration and adoption at the hands of the House was, that he believed that they would be advantageous to the colonies themselves. He always considered that the privileges which that House enjoyed, and which it was necessary that they should sustain, of regulating the trade of our colonies, was one which they should exercise with the greatest self-examination and liberality, and with a spirit of the most complete justice and impartiality. They were sent there, no doubt, to represent the interest of their constituents, but they had also still higher and nobler functions to fulfil. They had to legislate for a great empire, whose interests were deeply affected by the trade regulations which they laid down, and it was important that the empire should know that the spirit in which they legislated for it: was not a feeling of narrow jealousy, watching only the peculiar interests of those whom they represented, but a wide and comprehensive desire to confer equal benefit on all parts of the empire and on all the various classes of its multifarious people. He could not forget that it was by a perseverance in a system of monopoly and exclusion that other great colonial empires had fallen to pieces. A great colonial empire was indeed glorious, but it was at least uncertain, and the only way in which colonial possessions were to be kept together was by acting towards them all in a spirit of equal and impartial justice, treating them all with parental kindness, not allowing any favorite in the family, and considering their greatness to be our greatness, and their prosperity and happiness our prosperity and happiness. It was upon these grounds that he wished above all things to secure the adoption of the measure which he had proposed to the House; but he must also say, that he was perfectly satisfied that no British interest of any sort would be injured by the proposals which he had made being carried into effect. He would advert to one or two points in reference to this opinion, in order to show the House the change of circumstances which had taken place of late years. The provision trade was one which had been of very great importance in the south of Ireland. He had had many memorials sent to him under the idea that that trade would be injured, but the House must consider the great alteration which had taken place in the south of Ireland since the existing duties had been established. The south of Ireland, not many years ago, was the cheapest place in the world for meat provisions. The graziers carried on a large trade, and in fact, had no other means of disposing of their stock. The communication with this country was then uncertain; and, unless they could salt the produce of their farms and export it, they did not know what to do with it. But that state of things had now entirely changed. The steam communication with England had produced this effect—that the agriculturist in Ireland was now able to send to the manufacturing districts of South Wales, to the Bristol market, and even to London itself, that produce which before he was compelled to dispose of as he had described. This had been productive of the very highest advantages, both to Ireland and to England, and he rejoiced that it had had that result. But what had been the effect upon the prices of the articles in the South of Ireland? It had raised them considerably, and the particular district to which he had referred had entirely changed its character as a cheap place of purchase for provisions. The price of pork had risen from 20*s*. or 25*s*. per cwt. to 30*s*. or 35*s*., while that of beef had increased from 10*s*. to 15*s*.; and instead of provisions being cheap, they were actually dear at the prices demanded. There was also one consideration of so much importance that he could not help saying a few words on it before he sat down. He meant the effect which the alteration might have upon the interests of some of our North American colonies, he meant Nova Scotia and New Brunswick. Nothing, he could assure the House, would give him greater pain than to do anything, at this moment especially, which should affect the interests of colonies which deserved so well of this country, and which that House was bound to pay for their loyalty by treating them with the utmost favour and kindness; but he was satisfied that when the question came to be discussed, it would be shown that no such effect would be produced to any extent. There were many classes of woods, timber and staves, in reference to which, so far from the United States having any advantage over New Brunswick and Nova Scotia, he heard that such could not be the case under any circumstances. Therefore, while his propositions would greatly benefit the West Indies and relieve Canada and the North American colonies from many onerous and vexatious burdens, they would not impose any difficulties on the North American colonies, or on the mother country. He had felt it to be his duty to bring the subject before the House, and he was sure that it would receive their dispassionate and calm consideration. He had stated the objects which he had in view, and the principles which he proposed to carry out; and he would take this opportunity of observing that every one in his situation must be subject to this disadvantage, that it was extremely difficult to obtain precise information. He could not go to the trade at large and say, "I mean to do this or that, and I wish to know the effect it will have," and, therefore, he was bound to obtain information in a circuitous manner. He might have fallen into error in some instances, and if it were so he should not have the smallest scruple in correcting his mistake, and in submitting the table of duties as altered to the House, saying this now, he should not hereafter be charged with having listened improperly to any representations which in consequence of his propositions might be made. It was not his intention to ask the House at this time to express any opinion upon the subject which would require patient consideration, and his only object was to lay his propositions on the Table, and to ask the House hereafter to decide upon them. He would only, in conclusion, thank the House for the attention with which it had received the observations which he had felt it his duty to make.

Mr. *George Palmer* said, that no one could doubt that this question was one of the greatest importance. The propositions of the right hon. Gentleman, if they were were adopted, would, in effect, carry out to its full extent the system of free trade, and would withdraw every possible protection from British interests. Since the year 1825, the House had had plenty of opportunity to prove the effect of the measures of Mr. Huskisson, but he had no hesitation in saying that their results had been most disastrous. He conceived that, before these proposals were acceded to, the whole subject should be submitted to the strictest inquiry before a select committee of the House, or such a committee as might fairly state to the public the result in every case from which this protection was withdrawn. The right hon. Gentleman had said, that a petition had been presented from British North America in reference to this subject, but he did not further describe what it was or from whom it came, and the House knew that any petition which fostered or supported free trade would have the protection of the noble Lord who was now at the head of the Government in those colonies. He agreed that every interest which was unprotected should be untaxed; but that was the very principle upon which he held that the people of this country, who performed all the services which the state required, should be deemed entitled to protection. He hoped that a select committee would inquire into this subject, and that they would recommend that the colonies of Great Britain should receive the same protection as a child would receive from its parent.

Mr. *Ewart* thought that such a committee ought not to be appointed, because its labours would be almost interminable. He believed that every year more and more tended to develope the profoundness of the wisdom of the measures advocated by Mr. Huskisson, and he felt that a system of colonial reform having been commenced, that House could not long resist the necessity for a commercial reform in our tariff. With regard to the measures proposed by the right hon. Gentleman, he thought that the deduction which he proposed of ten per cent. on the *ad valorem* duties would be insufficient, and that the proposed duty which the right hon. Gentleman estimated at twenty-five per cent upon fish, would in effect be a prohibitory duty; but these were matters hereafter to be determined upon by the House. It seemed to him that the only real way of securing the connexion between the mother-country and her colonies, was to emancipate the latter from all the shackles of commercial difficulties by which they were surrounded, and that that was the true method of preserving those amicable relations which a too restrictive system would destroy. He deemed these propositions to be in conformity with that principle, and that they were of the highest importance, both in a commercial and political point of view; and he trusted that they would lead, not only to the future improvement of the system with regard to the colonies of this country, but that it would prove the forerunner to those alterations in our own commercial system, which by reason of expediency, and the necessity of the case could not be long withheld.

Mr. *A. White* would not have said a word upon the present occasion, had it not been for the remarks which fell from the right hon. Gentleman respecting the Reciprocity Acts. The right hon. Gentleman had said, that the ship-owners were now convinced that those treaties had not been injurious to the shipping interests; but if he had consulted the ship-owners, he would have come to a very different conclusion. He (Mr. White), as the representative of the fourth port in the kingdom, could state that the ship-owners of that port were by no means satisfied with those treaties, especially as regarded Sweden, Norway, Russia, and the other Baltic Powers. Our trade had decreased in that part of the world, and if it had not greatly increased elsewhere, it would now have been greatly distressed. The British could not, owing to the timber duties, build their ships so cheaply, nor with our present Corn-laws, could they victual them so cheaply as the foreigners, and therefore they could not compete with foreigners.

The House resumed, the chairman reported progress. Committee to sit again on March 26th.

East-India Rum]. House in Committee on the East India Rum Bill. Bill recommitted.

On the third clause,

Mr. *Hawes* rose to propose an amendment. The former bill did not require the Queen in Council to approve the regulations, and the effect requiring the alteration of those, would be to bring about a delay, of which he complained. That delay was, until the Queen in Council here, could approve of regulations that were made in India. Again, the rum to be imported was the produce of sugar. From whatever the sugar was obtained, where it was in a state of sugar, it would produce rum, and that rum would come into this country at the lower rate of duty. Now, the bill made a distinction between sugar produced from the sugar-cane, and sugar produced from any thing else. In the West Indies it was not produced from anything but the sugar-cane, but in the East Indies it was produced from two things, the sugar-cane and the date, and it would be impossible to decide from which the sugar was made. If no rum, the product of any other sugar than that of the cane, were to be admitted under this bill, it would shut out a great quantity of the rum of the East Indies. It would throw great difficulty in the way of the manufacture of rum, and also of sugar, in the East. In the first bill introduced on this subject by his right hon. Friend, there was no such distinction as in this; and he believed that the distinctive words were introduced at the suggestion of West India merchants, without giving to those who were connected with the East Indies an opportunity of pointing out the unfair effect which would be thereby produced upon their interests. He would move his amendments, and take the sense of the House upon them; and if they were rejected, he would, at another stage, take the sense of the House upon the whole bill. He concluded by moving—That, in the third clause, all the words after the word "operation," in the second line, down to the word "nor," in the seventh line, be omitted: — After the words "sugar-cane," in the eleventh line, to insert these words, "all other substances from which sugar is made, and allowed to be imported, under the Act of 6 and 7 Will. 4, c. 26."

Mr. *Goulburn* said, it could not be fairly urged as a reproach upon the West India interests, that they were represented in that House. Had it been shown that they took any unfair advantage, there might have been some grounds for the hon. Gentleman's remark, but there was certainly none such taken. The whole point of the hon. Member's objections as they related to rum distilled from dates was out of the question, for there was no such thing, as appeared from the evidence given before the committee. The whole question before the committee was the propriety of giving to the produce of the sugar-cane in both the Indies the same protection; and upon that principle, and upon that principle alone, the bill was framed.

Mr. *Labouchere* felt the House would acquit him of any intention of taking it by surprise, in his introduction of these alterations. The hon. Gentleman was wrong in supposing that the regulations made by the Governor-general in India would necessarily be void until confirmed by the Queen in Council. The regulations having been made by the Governor-general in India, the Custom-house would be bound by them, and it would not be necessary for the Queen in Council to confirm them, nor for any delay to take place. Whatever was objectionable on this principle was in the original bill. With regard to the exclusion of rum made from dates, as the information upon which he had founded the bill was taken from the evidence given before the committee, and as hardly any mention was made of the word "date," he found much excuse for himself in neglecting it in the bill. As to the rum made from dates, no man but believed it was very bad. But the hon. Gentleman said, let it be ever so bad it ought to be brought hither. The bill, however, was brought in as a sugar and rum bill, and not at all as a spirits bill. Sugar might be made of many things; of sweet potatoes, of beet root, of rice, and of many other things; and if he were told that spirits the produce of dates should be admitted, he should not know how to draw the distinction between spirits distilled from dates, and those made from other things. Unless he heard some stronger arguments than those urged by the hon. Gentleman, he did not feel disposed to depart from the principle that the rum distilled from the sugar cane, and not that made from anything else, was to be admitted.

Mr. *Hogg* said, that the right hon. Gentleman argued erroneously, when he said that he would admit sugar made from dates, but not rum made from dates, because it was not made from dates at all, but from the refuse of the sugar. The sugar was the joint produce of the sugar cane and the date, and being a mixture altogether inevitable, it would exclude any conscientious man from making the declaration required by the Excise Laws. What was wanted was, that the refuse should not be thrown away, whether it came from the sugar cane or the date. The principle should be, that the sugar from the East and West Indies should be imported equally. Sugar extracted from dates was a very recent introduction, and that accounted for the little mention made of it before the committee, but it was now very extensively used.

Mr. *Gladstone* could not vote for the first amendment proposed by the hon. Gentleman referring to the regulations made by the Governor-general. After five years' experience, he could not see that any practical inconvenience had arisen. With respect to the second, he should give a very different vote. The right hon. Gentleman said that, in Custom-house language, rum meant spirits distilled from sugar cane, and from the sugar cane alone; but in that he was mistaken. It was quite erroneous to make a distinction between the sugar made from the date and that made from the sugar cane. He would say that no evidence was more contrary to the facts than that given by Mr. Goucher, and that not only a fine spirit, but a spirit in great quantity, was obtained from the date tree. Nothing could be more slovenly than the manner in which the proceedings before the committee of last year were conducted; and it was quite clear that the witnesses who stood forward to enlighten the committee were inadequately acquainted with the subject to which the inquiry related. He agreed that the right hon. Gentleman was right in the alteration which he proposed to make with respect to the discriminating duties in Canada; and, after the statement which the right hon. Gentleman had made, it was difficult to understand how he could hesitate applying to spirits the same principle which had been applied to sugar. It was quite impossible to discriminate between the spirit produced from the date tree and that produced from the sugar cane, for the date tree was as much a sugar tree as the cane plant was a sugar plant. The right course would be to include all strictly saccharine plants, and when the right hon. Gentleman submitted that he had been misled in some particulars by the defective and inaccurate information of the witnesses, surely the House must see, as the matter stood, how impossible it was that anything so unreasonable and inconsistent as the present proposition could ever be allowed to form part of the commercial system of this country.

Mr. *Labouchere* said, what he wished was, that all spirit produced from sugar, in our colonies, should be let in on an equal footing; but what he desired to guard against was the introduction of spirit produced from rice or any other article. On the whole, however, he was anxious to reconsider the matter, and, therefore, he should postpone this subject until the next stage of the bill, when he would state precisely the course he meant to pursue. His object was to promote the cultivation of sugar, but while he allowed spirits distilled from sugar to be admitted on an equal footing, he meant that the admission of spirits generally should not be permitted. If the spirit distilled from the date tree could not be discriminated from that produced from sugar, there could be no reason for excluding the former; but if, on the other hand, it could, then it was his intention to adhere to the original principle of the bill. With respect to the first amendment of the hon. Gentleman, the Member for Lambeth, he begged to say, that he must give to it his decided negative.

Mr. *Warburton* hoped his hon. Friend would withdraw his amendment, as he could introduce the words he wished inserted in another part of the clause. The hon. Member contended that there was abundance of evidence before them to show that excellent rum was produced from the date-tree, and that it should be admitted on the same terms as the article produced from the sugar-cane.

Sir *Alexander Grant* said, that much exaggeration prevailed as to the insufficiency of the supply of sugar from the West-Indies, and in proof of this he had only to say, that since the 26th of January last the price of sugar had fallen 20*s.* in the cwt. in some instances, and nearly 20*s.* in all. The reduction was equal to 2*d.* in the pound, but whether the consumer benefitted to that extent he was unable to say. At all events, he hoped that the inquiry which the right hon. Gentleman was about to make on the subject would be conducted in a spirit of fairness towards all parties.

Mr. *John O'Connell* complained that there was no provision in the bill to prevent slave labour being employed in the production of rum in the East-Indies.

Sir *J. C. Hobhouse* thought it would be somewhat extraordinary to introduce provisions having refence to slavery in a Rum Duty Bill. As soon as the result of the commission which had sat in India on the subject of slavery was known, and he had reason to expect their report by the next mail, it would be quite time enough to enter upon the discussion of that important topic. At present all he should say was, that if hon. Gentlemen conceived that slavery as it had existed in the West-Indies was now to be found in the East-Indies, they were labouring under a mistake.

Mr. *Hawes* then consented to withdraw his first amendment, but said that he was determined to take the sense of the committee on his second by proposing some other words which would accomplish equally the object he had in view. There was now little difference between them, as the East and West India rum produced from sugar was to be admitted on the same terms. With this understanding he should suggest other words than those which he had proposed when they came to the 21st line of the clause.

Amendment withdrawn.

Mr. *Goulburn* wished to know if the committee were to stop at this stage of the proceeding, or whether the re-consideration which the right hon. Gentleman proposed, was only to apply to one particular point?

Mr. *Labouchere* replied, that he sought delay only as to one point, and said his wish was, that they should go through the clauses of the bill, reserving the discussion to which he referred for the next stage.

Discussion on the subject postponed.

The other clauses having been agreed to with amendments, the House resumed. The report to be received on the ensuing Monday.

COUNTY COURTS.] Mr. *F. Maule* moved the second reading of the County Court's Bill.

Sir *F. Pollock* did not rise to oppose the bill, and he thought, that after the opinions expressed for so many years in favour of its principle, it was not to be expected that any opposition would be given to the second reading of a measure having such a title and such a preamble. Nevertheless, he thought it due to the Government to explain the views which he entertained of many of the provisions, and some of the most important clauses. He would give a short history of the proceedings taken on this subject, so that the House would see it was only consistent with the honour of Parliament that some such measure as the one under consideration should be passed. In 1823 a report on the subject was laid on the Table of the House, and in the same year, in consequence of a motion of Lord Althorp, a bill was introduced, but only read a first time. In the following year the bill was brought in, read a first and second time, and passed, but was lost in the House of Lords. In the succeeding year the noble Lord brought in a similar bill, giving compensation to those who were supposed to have vested rights or interests in the abuses of the system. A committee was then appointed to ascertain who were the parties entitled to compensation, and he believed nothing more was done. In 1826, no report being made, no step was taken on the subject: but in 1827, his right hon. Friend (Sir R. Peel), after concluding his labours in consolidating and improving a large portion of the criminal law, brought forward a bill founded on the general principle contained in Lord Althorp's report. The bill was laid on the Table and read a first time, but he believed was not further proceeded with. In the next year the same measure was re-introduced and read a first and second time, but a commission having been appointed to ascertain the practice of the superior courts, his right hon. Friend expected that the labours of that commission would enable compensation to be given, so as to prevent an accumulation of compensation at a future period, and the bill made no further progress. In 1829 the noble Lord, who was afterwards Lord Chancellor under

Lord Grey's Government, announced his Local Courts Bill, which was brought in in 1830. In 1831, the House was occupied with the Reform of Parliament, and nothing was done. The same was the case in 1832; but there was a good excuse for this, as at that time a commission of inquiry was appointed. In 1835, when he had the honour of being Attorney-General, one of the earliest questions put to him by the present Attorney-general was, had the Government any intention of introducing a bill for the recovery of small debts? His answer was, that he should very shortly give notice of bringing in such a bill. A few days afterwards, his right hon. Friend quitted office on the Irish appropriation clause, and his hon. Friend, the present Attorney-general, succeeded him, and then forgot his question. He was not more awake to it, nor did he take any step in it during the next Session. In 1838, Lord John Russell introduced a bill for the purpose of giving to quarter sessions a mixed criminal and civil jurisdiction. In 1839, a bill was introduced, making arrangements which were altered in committee, on which he believed the present bill was founded, and which gave opportunity for the recovery of small debts. Every individual who had spoken on this subject had admitted, that at present a grievance existed which ought to be remedied. When a debt to be recovered was below a certain sum, by the present system, the delay and expense actually amounted to a denial of justice. There had been but one expression in Parliament after Parliament, that something ought to be done to remedy this. He thought it important, that it should be known how this important measure had stood over. There were some points on which the bills which had been brought in differed. In some of them, it was provided, that the sheriff should have an assessor, to be appointed by the Lord-lieutenant, and that his salary should depend on the justices. But this was no feature of the present bill. It was impossible not to look at this bill but in conjunction with the bill which followed it in the Orders of the Day (the Bankruptcy, Insolvency, and Lunacy Bill), and at the enormous patronage which they created. These bills would create fifty officers, whom the Government had the power of appointing, when and where they pleased, as occasion might arise, He thought the measure proposed in 1839, by the noble Lord, and the measure now brought in by the Under Secretary of State for the Home Department much to be preferred to the one recommended by the commissioners, or to that introduced by Lord Brougham, in the House of Lords. It was much better to improve an existing system, than to introduce a new one. All the preceding bills had provided that assessors should be appointed from barristers of a certain standing; Lord Althorp's bill said seven years' standing, Lord Brougham's ten years, and the bill of 1829, before it went into committee, provided, that the assessors appointed, should be barristers of at least seven years' standing or attornies of one of the superior courts of Westminster, recommended by three of the judges. The bill came out of committee with these alterations—that the assessors appointed instead of being a barrister of seven years' standing, might be a barrister without any standing at all; and, instead of having an attorney recommended by three judges, they might have an attorney appointed with no recommendation at all. Nor was that all; a certificated special pleader, who after all, was but a candidate for the bar, who had kept a certain number of terms, was qualified for all these offices. He mentioned this, because it appeared to him quite essential that they should not adopt the views of the committee. The question, also, whether jurors were to be used or not, was one about which very great doubt had been and might, he thought, very fairly be entertained. In this bill, and several of the others, there was a power to examine the parties themselves, and to do away with the well-known principle of the English law, that they were not to examine interested witnesses. This principle might be admitted, when inquiring into very small matters, as in the Court of Requests; it might not then be improper to call the parties themselves; but when this bill extended to slander, to libel, to seduction, and to an action for criminal conversation, he should like to know what his learned Friend (the Attorney-general), would say to putting the defendant in an action for criminal conversation into the witness box, to be called on to admit or deny his guilt? He thought they should best consult the dignity of the administration of justice by exculpating the parties themselves from giving evidence in their own favour. He thought it questionable whether the unlimited power of trying actions for libel, and slander, and seduction in country places, where such trials had never been held before, should be given. Though it was highly desirable, that the poor man as well as the rich, should have the opportunity of obtaining justice, yet this power might stir up a spirit of litigation. He understood the bill to be an echo of the report of the commission of 1833; but there was one thing in it not found in the report, namely, the power of imprisonment in execution, which he must say, he thought was liable to great abuse He thought it much better not to give any such power. If the payment of a debt could not be obtained by seizing the goods and chattels of a party, he protested against putting him in prison for it. There was another matter, also of great importance—the having a concurrent jurisdiction with other courts. They intended to introduce this bill at Liverpool; but Liverpool would be glad to be let alone; it had already a very good borough court. Bristol, also, would petition against this boon, if granted to them; and there were in various parts of England local courts which at present gave entire satisfaction. How was it to be ascertained whether the appointment of an assessor was wanted or not. Lord Althorp's bill had this provision, that the appointment should be made on a resolution of magistrates at sessions that such appointment was wanted. The present bill gave the Minister the power of making or withholding the appointments, not with the voice of the inhabitants, not from the resolution of the court of session, not on the certificate of authorised persons interested in seeing that the court should not be holden unnecessarily, but the court was to be holden in such places as Her Majesty might think fit to appoint. There was also a clause dividing the counties into districts —a power which, in the act introduced by the right hon. Baronet the Member for Tamworth, was exercised by the courts of session themselves. He would now call their attention to the bill next in succession in the orders of the day, giving the Lord Chancellor the power to nominate twenty-five more judges beyond the twenty-five appointed by the bill now under consideration; he alluded to the bill enabling the Lord Chancellor to direct certain proceedings, in Chancery, bankruptcy, insolvency and lunacy to be carried to the county courts. The legitimate mode of ascertaining whether judges were wanting or not would be by petitions being laid on the Table of that House. He must say, that this bill, as it was now framed, appeared to him one of the most dangerous and unconstitutional it had ever been his lot to meet with. When Lord Althorp introduced his bill in 1833 he never dreamed of giving the power of appointing twenty judges to the Crown. He altogether acquitted the hon. Member opposite. and the noble Lord too, of any corrupt motive: but while he gave them full credit for wishing nothing more than the public weal, still he could not forget that the public out of doors would look upon this bill as an attempt to open a new source of patronage by the creation of fifty places at salaries of 1,500*l.* a-year—a patronage, too, not to be exercised immediately, but to be kept in reserve. The public, "We shall see before some great political division six new places given away—after the division, perhaps, half a dozen more." He should like to have pointed out the places where these appointments were to be made—the names of the districts where the services of these judges were required. If after these facts had been stated, the table of that House were not covered with petitions from the public, he would vote for the bill of hon. Gentlemen opposite. But if it were the intention of the noble Lord, and his hon. and learned Friend opposite, to give to the Crown the power of creating this patronage, then he must say, that with the single exception of the exorbitant power given to the Poor Law Commissioners, of making edicts, having all the force of acts of Parliament, he had never met with a more unconstitutional measure than the one now before the House. This matter had been in progress for four years, a longer period than the average duration of Parliament. Parliament might end immediately; it was certain that it could not last very long. The noble Lord the Secretary for Ireland might again entertain the feeling that he would not consent to be member of the Government on sufferance. Other Members might feel that it was not fitting that the experiment now trying on this country should go on much longer. With the narrowest possible majority in that House, and with the people against them, the thing was impossible. He would ask any Member of the Government whether he did not know that after Easter circumstances might arise which would render a resignation inevitable? Was this, then, a time to create fifty new places?—to be conferred on whom? Why, on gentlemen who had not yet come to the bar—unfledged lawyers—men of no standing—men who had but just put on their wigs and gowns. But the clause on which he look with the greatest alarm was that one which made attornies eligible to the office of judge. These men might be agents for boroughs, gentlemen perfectly conversant with the management of borough A or county B. He should be sorry to hear it said of the Government that this bill bill had been passed, and others postponed, for the purpose of putting them in possession of fifty more places to give away in the event of a general election. He was perfectly ready to go into committee on this bill for the purpose of carrying out a measure such as the public had been long led to expect, and he should feel happy to concur with his hon. and learned Friend in making whatever could be made of it, so as to bring it to perfection before it should pass into a law.

The *Attorney-General* could not help thinking that his hon. and learned Friend had taken a most extraordinary course on the present occasion. He first of all blamed him and other Members of the Government for having allowed year after year to pass without bringing forward this measure, and then turned suddenly round and said, "You are bringing forward this measure not at all with a view to the public good, but in order to extend the patronage of the Crown." With regard to the delay which, it had been alleged, had taken place, he would appeal to the nation whether since 1835 the Government had not exerted itself to the utmost to improve the laws and amend the institutions of the country? His hon. and learned Friend had never once adverted to the Municipal Bill. He ought not to have forgotten the bill with respect to the execution of wills, a bill which had been applauded by all the rest of the profession, although it had met the disapprobation of the right hon. and learned Gentleman the Member for Ripon. The present bill was introduced in 1839; it was then referred to a select committee composed of Members taken from both sides of the House. The right hon. Baronet, the Member for Pembroke, took the lead on that occasion. They were, as he understood, unanimous on all the clauses except the one regulating the appointment of the judges. The right hon. Baronet, the Member for Pembroke, thought that the judges ought not to be appointed by the Crown, but rather that they should receive their appointment from the lords or the ladies of manors, fearing that the manor courts might be prejudiced by the improvements made in the county courts. The right hon. Baronet stood alone on that question: his objection was overruled, and the bill was reported by the committee exactly in its present shape. He thought it therefore rather too much to complain of the manner in which the bill was framed,and to charge the Government with having brought it forward solely for the furtherance of party purposes. A more gratuitous and unfounded charge he never heard. The object of this bill was to remove a blot from the administration of justice in this country. The present state of the law (as had been justly observed by his hon. and learned Friend opposite) amounted to a denial of justice to all persons seeking to recover debts under a certain amount. In suing for a debt under 20*l.* the costs were generally three or four times the amount recovered. If you went to the county courts, you found no competent judge; if you went to the manor courts you were still worse off; if you went to Westminster you were ruined by costs. The defect had been felt for centuries, and had been pointed out by Lord Bacon, Lord Hale, and the most enlightened writers on our jurisprudence, but up to the present time no remedy had been applied. He thought that, as his hon. and learned Friend had expressed no intention of opposing the second reading, he might have reserved the objections which he entertained to certain clauses until the bill was in committee. He might, if he chose, move in committee that the judges be appointed by the lords or the ladies of manors—by the sheriff, or by the lord-lieutenant. By whom were these judges to be appointed? New judges there must be. The defect of the bill introduced by the right hon. Baronet, the Member for Tamworth, was that it did not appoint any new judges whatever, but left the jurisdiction still exercised by the sheriff or his deputy, both of whom were changed every year, and who would be wholly incompetent to decide the graver questions, which by the proposes extension of their jurisdiction to amountd of 20*l.* would be brought before them. He saw no chance of securing the appointment of persons capable of fulfilling the duties of the office unless that appointment were made either directly by the Crown or by some one who would be responsible to Parliament. The intention of the bill was to appoint judges at once all over the country. Wherever power of appointment was given to the Crown the same terms were made use of. In the bill appointing the Vice-Chancellor the terms used were identical with those employed in the present bill. Therefore the apprehensions of his hon, and learned Friend were altogether groundless; and when his hon. and learned Friend asserted that suspicions were entertained out of doors he could not help thinking that his hon. and learned Friend threw out insinuations with a view to pervert the public mind, and generate suspicions which but for him would have had no existence. He did not wish to enter then into the details of the bill; but he must say that he objected to the clause respecting the imprisonment of the person, and should wish to see it expunged, or greatly modified. He should have no objection to a limited imprisonment for the non-payment of the instalments of a debt, if upon investigation by the judge he should be of opinion that the default was a culpable one on the part of the debtor. He believed that this bill would supply a defect which had long existed; and that the House generally would feel that his hon. and learned Friend opposite had not shown much good taste in selecting the present occasion for an exhibition of party feeling, and an attack upon the Government.

Sir *E. Sugden* disclaimed any party feeling on his own part, but he did recollect many measures connected with the administration of justice which were made party questions. Such occasions were, indeed, considered the most favourable for party contention, and, therefore, he was the more astonished at hearing the surprise expressed by the Attorney-general at what had fallen from his hon. and learned Friend the Member for Huntingdon, who had shown no party feeling on the subject—[*"hear" and laughter.*] He saw there was a sensitiveness on the opposite side. He should be surprised if the noble Lord opposite felt sore at being reminded of his own declaration, that he would no longer be a Minister upon sufferance; and as regarded the other observations which had been made, his hon. Friend had said that he acquitted the Government, but that he was afraid the people out of doors might not coincide in that opinion. It therefore appeared that his hon. and learned Friend was endeavouring to excuse the Government rather than to make a charge against them. Now, for his own part, he should certainly not treat this as a party question, but, on examining the provisions of the bill, and considering for what purposes they might not only be executed, but perverted, he would call upon the House not to confine its scrutiny to the bills now before it, but to recollect the other measures as connected with the administration of justice which were pending; also the state of the courts to which those measures were to apply. There was a bill for the appointment of two equity judges, which involved the question whether part of the busines under the Court of Review should be restored to the Court of Chancery. The noble Lord had very adroitly thrown the blame upon him, of the country not having two equity judges, because he had threatened to divide the House on the question. But, although he was put forward as the ostensible cause of the postponing of that measure, there were some little arrangements which rendered it desirable that it should not be passed. He wished the House and the country to know what was taking place now the bill was brought in; and he (Sir E. Sugden) gave notice that he would offer no opposition to the appointment of the first judge, but that he might take the sense of the House on the question of the second. The bill had been standing ten days ago for committee, and the noble Lord put it off till the 22nd of March, a month from the time for which it had been fixed. Now was it for this bill for which the country was represented to be clamouring that the other was postponed? He should like to know why that bill was postponed, and this, which was not intended to be carried immediately into execution, was passed. The country was aware that the Court of Review was an entire failure. He did not speak of the commissioners, whose office might be made very useful; but he thought the noble Lord was called upon to lay before the House his intentions with respect to the Court of Review, because he was throwing indirectly on the judges, by these bills, the business of the Court of Review, and he was, therefore, entitled to ask the noble Lord why he did not at once abolish that court. His two new judges could without difficulty do the requisite business, as the administrative part of the business of the court might go to the commissioners and to the Court of Appeal. The first thing that the House had to look to was that the Court of Review should be abolished, and the next question to which they ought to direct their attention was with respect to the Court of Insolvency. That court sent judges to try insolvent cases on circuit. These new judges, it appeared, were to have delegated to them the powers of the insolvent judges. Now the country was entitled to know what was the intention of the Government with respect to these two courts—the Court of Insolvency and the Court of Review, and to expect that an arrangement should be brought into this measure, or introduced in a separate bill, for the determination of the constitution of those two courts. There was another important point to which he wished to call attention. The noble Lord proposed to transfer the present business of the Court of Exchequer to these judges. Thus he threw a great part of the business of the Court of Review, a great part of the business of the Court of Insolvency, and a great part of the business of the Court of Exchequer upon the new judges in Chancery; and yet he left the business of those courts where he found it, doing nothing at all to meet the increase of business. If the noble Lord looked at the report of the committee, he would find that Mr. Justice Alderson said that, with management, one judge at law might be spared from the present business, and his labours appropriated to other purposes. Now, there was a remarkable circumstance connected with this measure. The Government had issued a commission to inquire into bankruptcy and insolvency; and all the commissioners with the exception of one, Mr. Commissioner Law, made a joint report, from which that one disagreed on grounds which were certainly worthy of consideration. The Attorney-general seemed, however, to be aware that this bill, however it might be borrowed in part from other bills, was, in fact, founded upon the report of that commission. Not one word had been uttered in the House on that point. Was this the way in which the House was to be treated. A voluminous report was made by commissioners appointed by the Government—a measure was brought in, founded on that report, and not a word was said about the report. The commissioners were of opinion that bankruptcy ought to be very much encouraged, and that a man ought to be enabled to make himself a bankrupt and to make bankrupts of others with greater facility than could be done now. They were of opinion that there ought to be but one court to deal with the affairs of debtors in general, whether they were traders or not—whether they were bankrupts or insolvents—one court for the administration of the effects of all persons in debt. The object hitherto seemed to have been to see with how much facility you could break a man up. He certainly had no sympathy for fraudulent debtors. He had very great sympathy for those whose property was taken by the incurring of improper debts, but on the other hand he had also great sympathy for the struggling debtor, situated as thousands were, who, if they had been broken up by the old system, as they would be by the new, would never have been able to stand against the difficulties which many of them had surmounted. He thought it unwise, therefore, to make provisions by which, if a man could not meet his engagements within two or three days, he was to be broken up. But to return to the recommendations of the commissioners. They thought there ought to be local judges, twenty-two or twenty-three in number, to go circuits, to have the powers of the commissioners of bankrupts, the commissioners of lunacy, and all the powers proposed to be vested in the judges to be created by these bills, and yet not a word was said on the subject of their report. The majority of the commissioners—there being only one exception—had said that arrest of the person in execution ought to cease. He could never agree in the bill as it stood on this point. In all other bills a maximum of imprisonment for small debts had been stated; but here was left by law a man's discharge quite indefinite. He was disposed to say, although he felt the inconvenience of abolishing arrest for debt, yet in the case of small debts, where they were bringing the court to every man's door, and giving execution against him within eight days, he doubted whether that were a wise provision. Let the House recollect that this was not, as it had been called, the poor man's bill; it was the bill of the middle classes, of the shopkeeper, and the tradesman recovering debts from the labourer and the artisan. The poor man had not to carry his superior to the small debts court, but his superior had to carry him thither; and these judgments might be held *in terrorem* over him to compel him to continue his dealings at a particular shop. He was disposed, therefore, to think that in a Small Debts Court Bill there ought to be only execution against the goods and not against the person, but at least if you took the person you ought to discharge him within a limited time in proportion to the amount; the bill was objectionable on this ground. His object, however, in rising, was to say that the House was taken by surprise in consequence of not having the proper explanations afforded. He said the noble Lord ought not to create new courts and new judges without considering what surplus of labour and time there was which might be applied to the purpose. Every one was agreed that there ought to be a Small Debts Bill, and that it was unseemly that there should be so many applications for separate bills, and that some general measure was not adopted. It was necessary that these two bills should be considered as one, and he complained of their being separated. However, the House had the two bills before them, though they might be considered as one. There were at this time about 400 county courts and courts of requests in operation in the country for many of the purposes intended by these bills; and besides sufficient persons to do all the business of the courts of review and the business of insolvent courts, there were 700 country commissioners, that was, 140 lists, five persons in each list. Most of this great machinery had already been adapted to the exigencies of the times, and more of it might have been so adapted without any great violence. The bill did not affect to abolish the county courts, though it did the courts of requests, but why they should abolish the latter he could not divine. The class of persons for whose benefits those courts were established still existed, and he could see no reason why the courts should be put an end to. If the House or the country thought that this was a Small Debts Bill they would find themselves much deceived. It was no such thing: if it had been he should not have offered the objections which he now urged against it. The bill of his right hon. and learned Friend (the Attorney-general), which was a Small Debts Bill, he to a great extent approved, though he did not pledge himself to its details. But what was the dispute between them as to the nature of these courts? He was surprised to hear his right hon. and learned Friend (the Attorney-general) say, that nobody had ever found fault with the principle of this bill. Why, this was a measure which possessed all the vices, but none of the virtues, of the bill, which Lord Brougham, as Lord Chancellor, brought in in the House of Lords in 1833, and which was opposed by Lord Lyndhurst with the most convincing arguments that he ever read, so that the noble Lord had really left nothing for any one to do but to take up and read his arguments, in order to make the House of the same opinion. Whoever would read the debate on the question, could not fail to rise from its perusal with both pleasure and instruction. But now his hon. and learned Friend said, nobody ever disapproved of this measure. Why the House of Lords rejected a measure ten times better than this, totally different from it, for whereas that bill had some good in it, this had none. [The *Attorney-General:* What of the court of reconciliation?] Oh, that was a little bit of phantasy of the learned Attorney-general. He would not surely laugh at his own Lord Chancellor, whom he thought the hon. and learned Gentleman was bound by his retainer to support. Ten years ago he asked for a court of reconciliation, when every body laughed. There was, therefore, no such court, and people were obliged to go to a justice of the peace for a reconcilement; but, instead of that, on going there, they were sure to fall out. If they had a court of reconcilement in the Bill, it would add an item to the measure, but would not add to the reconcilements. He considered the present bill was well calculated to frighten the country. He looked with jealousy upon such a thing as the appointment of some fifty judges being vested in the Crown, or the Lord Chancellor as an officer of the Crown, and regarded it as an unconstitutional power. His right hon. Friend, in his first bill, said, that the number of judges should be twenty-four, and that they must be barristers of ten years' standing. The committee made a report that they should not be of less than ten years' standing, and it was thought that it might be objected that a sufficient number of men, properly qualified, would not be found in the profession. At this moment they wanted two new judges in equity, and then there would, of course, follow the appointment of registrars, clerks, and other officers; they had bills before the House concerning other judges, and for fifty judges under this bill. Why this was a wholesale legislation! It was the creation of courts without end. But there was a boldness in the proceedings of the Government which he could not but very much admire. It was not a little shoplifting concern, it was a highway robbery; but its magnificence and extent were an extenuation of the faults that might be found in it. The expense he would venture to say—he did not know that he could put it at much less—would be between 300,000*l.* and 400,000*l.* a-year. It was true that the present was a time of great prosperity—our country was in no danger from foreign aggression—we were quiet at home and our income greatly exceeded our expenditure, and therefore we could afford to spend 300,000*l.* or 400,000*l.* a-year upon seventy-six new judges; the only difficulty being the appearance of the "no patronage" Government. He had some recollection of having heard some time ago that the Government were determined to proceed on "no patronage" principles—how painful, then, must it be to men who really intended to carry out that principle to have forced upon them—involuntarily—an extent of patronage that would be sufficient to appease the most greedy desires for patronage that could possibly exist. He would now state to the House what Lord Brougham thought should be the character of these judges. He said, that, as to judges of ten years' standing, that was not intended to be the only qualification for a local judge. The person chosen for a judge must be selected for his learning as well as his standing, he must be a man of unsullied honour and unimpeached integrity; above suspicion as to his skill and experience, and such a man as would do honour to Westminster Hall. No Minister should dare to appoint a man whose character was not such as could be sanctioned by the public voice. His Lordship agreed that the controul of the judges in Westminster Hall was necessary; he said, however, that he had not brought in a bill for the purpose of insulating as well as localising the administration of justice, and for studding the whole country over with courts of justice, unconnected with each other, and placed beyond the controul of the courts at Westminster. His Lordship allowed an appeal from the local courts to the courts in Westminster Hall on all matters relating to points of law. Why, Lord Brougham had spoken more disrespectfully of this bill than anything he had pretended to say. He said that he had not studded the country with courts not under the jurisdiction of Westminster Hall, but this bill did so. The courts contemplated to be established by the present measure, went beyond the noble Lord's bill in many respects; while his Lordship said, "I must have judges of great standing and integrity, who must be approved of by Westminster Hall; even then I will not trust them without giving the courts in Westminster Hall a prevailing voice over them;" but this bill exonerated them from all responsibility of this description, and proposed that a Sergeant-at-law, or Barrister-at-law, or a certificated special pleader, or an attorney might be appointed. Well might his hon. Friend, the Attorney-general, say, that that bill differed from the noble Lord's; it was very true that it did. They had taken no limits, and might as well have inserted in their bill "any professional man," and then they might take an attorney who was a man without practice and without a knowledge of the law. This showed that the Government had not been anxious not to restrict the appointments to a small class. As one of them whose duty it was to watch over the interests of the people, he was bound to say, that it was the duty of this House to see that powers were not given to the Crown that were liable to abuse. By this bill there was to be no counsel or advocate allowed without the leave of the judge, and there was to be no attorney employed if the damages to be recovered were not above 40*s.*; but if an attorney should be employed, and the damages for example were not above that sum, he would receive nothing. So that, if a man brought an action for trespass or libel, and the damages recovered were only 40*s.* his attorney would not be awarded a farthing. There was another point. The plaintiff was to pay 5 per cent. on the sum to be recovered towards a building—for there was a building mania in the bill; and another 5 per cent. as a deposit for costs. If the sum were not recovered the attorney was not to be entitled to costs; and if the whole sum were recovered he was only to receive 10*s*. 6*d*. for all his trouble and advice. With an attorney for the incompetent judge, an attorney for the clerk, a jury of only five, selected in a most objectionable manner, and with no counsel before them, they must expect attornies in such a case to make up by quantity for what they lost in quality. The great objection to a local courts bill was, that it would encourage attornies to create all possible feuds and disorders in their neighbourhood. At present the law was sure. In ninety-nine cases out of one hundred, a man might be told whether he was likely to succeed or not. The judges administered the same law; there was a constant communication kept up between them, and there was an appeal to the higher courts when any difference arose between them. This kept up a current of pure law throughout the country, of the great advantage of which few people were aware. There were few counsel of eminence in their profession who did not give thousands of opinions every year, and whose opinions had not the effect of strangling many cases which would otherwise be carried into court, but which the parties were induced to abandon upon being informed that the rule of the law was against them. Now it must be clear, that if these fifty judges were scattered throughout the country, a great diversity of decisions would arise; but the bill provided no means for correcting that difference of opinion. In certain cases, indeed, there might be a removal to a higher court. But there was no attempt in the bill to give an appeal so as to correct differences of opinion. If at starting, good men were appointed to act as judges under such a system, they would deteriorate; it was not in human nature to prevent such a result. For those who were acquainted with the practice of courts of request knew it was not pretended that the rules of law were strictly followed; they were departed from to meet the hardships of particular cases, and the effect of that course was to plunge the whole country into doubt. It was not pretended that the business of these courts was strictly judicial, the duty of the judge being to settle squabbles about debts, one party swearing that the money was due to him, and the other declaring that he did not owe it. The usual course was to settle the dispute by cutting it short and asking the defendant how he would pay it. But under this bill the business would not stop there. The right to the possession of land, or to tithes, or to tolls, would become questions to be tried in these courts. Lord Brougham gloried in the fact that he had followed the report of the commissioners, and that he had not attempted to bring such questions into his courts, although he was so particular in having barristers of ten years standing, who should be men of high qualifications and sterling integrity for judges. Not merely small debts were to be disposed of in these courts, but actions of all kinds for the recovery of damages; actions for slander, libel, seduction, criminal conversation, and actions against magistrates and others for false imprisonment. These were cases which might lead to endless disputes, or at all events would certainly involve many grave and important points of law—cases in which questions of character, rather than fact, would be raised; and by whom were they to be decided? By an attorney, perhaps, of two days' standing. What chance was there then for a man seeking reparation for injuries, or resiting a vexatious suit, obtaining fair and ample justice? We should deal with human nature as we found it. The judges of such courts ought to have a proper check upon them; and two things were necessary to keep them in order—a vigilant and an intelligent bar, and a court of appeal above them. Without these two checks very few of the judges would do their duty in a manner satisfactory to the country. Only by such means was the fountain of justice to be kept pure, and the impartial and improper administration of the law secured. It might be said that the bill would carry the means of obtaining justice to the very doors of the people. But surely it was not desirable to attempt to persuade men to litigate. They could not expect to persuade a man that another owed him 10*s*. for bread or beer, it was true; but it was possible to induce a man to bring an action for some supposed slander or suspected seduction, and thus the number of actions at law would be increased, which it would be better for the parties and for society to prevent. It would be infinitely better for the poor that their time and their money should not be wasted in such litigation. By the second bill, which the hon. Gentleman reserved as a *bonbon*, these judges were actually to act as commissioners of bankruptcy, and the business of the Court of Review, which had commenced with four judges, and now had but one, was to be transferred to them. They were also to be commissioners of lunacy, and to deal with Chancery business. Thus cases involving the most difficult and important points of law were to be referred to these new and incompetent tribunals, and duties which they never could perform were to be imposed upon them. He believed the present measure to be one which would be repudiated from one end of the country to the other, when it was sufficiently known. It was evident that it had been prepared piecemeal, and without any adequate knowledge of the subject. He should, therefore, feel it his bounden duty in the future stages of this bill to give it his most strenuous opposition.

Mr. *Fox Maule* said, at that hour of the night it was not his intention to enter at length into the subject of the bill before the House, and more especially when he heard both the hon. and learned Gentlemen who had spoken upon it declare their approbation of its principle. But whilst they made this announcement they took the utmost pains to overthrow that principle by every word they had spoken; and it struck him that they gave their approbation to the principle of this measure rather from a feeling that they dare not oppose it than from any real partiality in its favour. It was conceded, however, as a principle recognised by both sides, that redress should be brought home to the door of the poor man by a system which he should continue to designate — notwithstanding the ridicule of the right hon. Gentleman —as one of speedy and effective justice. [Sir *E. Sugden:* I never ridiculed it.] Throughout the right hon. Gentleman's speech the whole scheme was treated with absolute derision. He should not address himself to all the clauses of this bill. There were many matters touched on by the right hon. Gentleman, which he admitted he did not feel competent to deal with from want of technical knowledge; but there were also several remarks made by the right hon. Gentleman which he should be sorry to allow to go unanswered to the public. In the first place, the right hon. Gentleman quarrelled with the qualification of the judges, taking for granted that the operation of the measure would be placed in the most unworthy hands, and endeavouring in every way to depreciate a measure which, he would venture to say, would be looked to with as much, if not more, interest than any bill before the House. The right hon. Gentleman said, that no period of practice was proposed as a standard of competency in the judges. That was not the fault of the Government; for when a measure fixing the period at seven years was introduced in 1832, and referred to a committee composed of Gentlemen from both sides, it came back precisely in the form in which it was at present. It could not be denied that a vast mass of grievances existed, that a discrepant administration of the law took place; and it was to assimilate the law, not only in different districts, but through the whole of England, that a great and extensive—and, if the right hon. Gentleman wished—a bold change was to be attempted. If blame were attached by the public to such a proceeding, he was ready to take his share of it. And so far from attempting to conceal the number of judges, he placed it on the first page of the bill. He should next deal with the objection that the purpose of this measure was concealed by dividing it into two bills. He would state at once why they were separated. The passing of the first measure was essential to the operation of the second; but the second might be rejected, and yet a beneficial reform be conferred by the first. He was sure that if he had united these bills he should have been met by the objection, "You are connecting things totally at variance, and the only remedy is to throw out your bill." It appeared to him that the right hon. Gentleman was somewhat disappointed that the opportunity was not allowed him of following that course. The first of these bills proposed the appointment of twenty-five courts for England. Lord Brougham's Bill proposed to make an experiment in a few courts with twenty-four superadded. Now, by this bill the whole work would be accomplished by twenty-five. The right hon. Gentleman dwelt on the monstrous expenses of these courts. Now, when that question was discussed, he should show that, instead of this being a vast expenditure, a saving would be effected as regarded what was paid in reference to county courts, bankruptcy, and insolvency. He might refer to the report of the commissioners of bankruptcy for a complete answer to every one of the points urged by the right hon. Gentleman, a [report by which the right hon. Gentleman said he was taken by surprise, though it must have been in his hands since July, 1840, the date at which it was printed. When the proper time for discussing the several clauses arrived he should be ready to meet the right hon. and learned Gentleman. He was not so wedded to any one of them, that he should not be ready to adopt any that might be shown to be better. But he hoped that hon. Members, when addressing themselves to the bill in committee, would do so calmly and without any harsh feeling. He cared not in whose hands the patronage of the judges was placed, his object was to give the lower classes of the country a ready access to justice. His only object was to carry a bill such as the hon. Member for Huntingdon had admitted it was the duty of the Government to introduce, and the duty of that House to pass in some shape. He would not detain the House longer, but he hoped they would permit the bill to be read a second time.

Colonel *Sibthorp* said, that the kind feeling of the Government towards the poor was well evinced by their Poor-law Amendment Bill.

Mr. *Hawes* said, that when the hon. and learned Gentlemen opposite attacked the bill in the spirit displayed by them that night, he was led to suppose that the whole weight of their influence would be brought to bear against passing such a measure at all. With all the objections they had started, he could not perceive they proposed anything better. The principle of the bill had been before the House for twenty-five years, and all that the hon. and learned Gentlemen had done had been to object to the details of the present measure, and that without being prepared to substitute anything in their place. All they seemed able to say was, that the Government was grasping at an enormous amount of patronage. But when they said that they forgot there were 700 commissioners scattered about the country, to administer the law, and he really was astonished to find that "the head and front of the offending" of the bill was, in the estimation of those hon. Gentlemen, the amount of patronage it would bestow. Numerous petitions had been presented to that House, praying for the extension of the jurisdiction of small debt courts, but he had not heard of one petition which prayed that the judges of those courts should remain as they then were. The people required a superior class of judges, and how was the difficulty to be avoided of the patronage that would be created by their appointment? Did hon. Gentlemen opposite wish to delay the bill in the hope that they would one day enjoy the patronage it created? Much had been said about the expense; but when the proper time arrived, he was sure the hon. Under-Secretary would be able to furnish the House with statistics showing that a large saving would accrue to the public. He did not see how the right hon. and learned Gentleman could prove his statement, that the present measure was calculated for the middle classes, and not for the poor. He considered that the tendency of the right hon. and learned Gentleman's remarks was to disparage the cheap and speedy administration of justice. He appealed to the right hon. Baronet the Member for Tamworth, who, he was convinced, felt the great importance of the subject, and who he trusted would not permit narrow and technical arguments to weigh in his mind against a beneficial measure of such a nature as that before the House.

Mr. *Shaw* said, that at that late hour, he would observe upon but one point of the bill before tha House, and even that he was only induced to do, because he was himself personally connected with the administration of a system of local jurisdiction in Ireland, similar to that which the present measure proposed to establish in this country. What struck him forcibly, and the more so in constrast with the Irish civil bill jurisdiction, was the want of a provision in the bill for securing uniformity and certainty of decision, in matters of law. The bill required no qualification for the judges of the county courts, except that they should be either barristers, special pleaders, or attorneys of any or no standing—whereas in Ireland they must be barristers of at least six years' standing. Here they were to be debarred from practice; but in Ireland they were generally barristers in good practice, thus having their judicial decisions subject to the opinions of the profession with which they mixed, and their own professional character and prospects to sustain; but the most important difference of all was, that the bill then under consideration gave no appeal—but dotting the whole country over with local judges removed from practice in Westminster-hall, and each acting upon their own uncontrolled opinion, it would introduce contrariety of decision in the different districts, and that uncertainty which was, perhaps, the greatest of all evils in the administration of justice while under the Irish system, there was an appeal from the assistant-barrister to the next going judge of assize, who, if he had any doubt, reserved the point for the twelve judges, who conferred together in contradistinction to the practice which had been so frequently referred to in late discussions in that House, in respect of the elective franchise, though founded on precisely the same statutory jurisdiction, ruled the case according to the opinion of the majority; and these cases were reported, and regulated the practice of the inferior courts upon one uniform and fixed principle. He was as friendly as any Member of that House to bringing justice, to the utmost extent that was practicable, within the reach of every class and person in the community; but he thought bad law could not be cheap on any terms, and he was apprehensive that uncertain and bad law would be the result of the measure before them, unless some such correction as he suggested were applied to it. He approved of the principle of the measure. He was of opinion that it worked most beneficially in Ireland, and, if judiciously tried and carefully controlled, he saw no reason why the same good effects should not be produced by it in England.

Mr. *E. Vivian* inquired whether this bill was to interfere with the stannary courts of Cornwall.

Mr. *F. Maule* said, it was not.

Bill read a second time.

Adjourned.

* * *

HOUSE OF LORDS,

Monday, March 15, 1841.

MINUTES.] Bills. Read a third time:—Copyhold; and Customary Tenure.

Petitions presented. By the Marquess of Normanby, and the Earl of Rosebery, from Aberdeen, and Stirlingshire, against Church Patronage.—By the Bishop of Exeter, from the Bath Church of England Association, for Church Extension; from various places, against continuing the Grant to the College of Maynooth; and from the Clergymen of the Diocese of Elphin, against Incorporating the Ecclesiastics of St. Sulpice.—By the Earl of Clare, from the Nobility, Clergy, Gentry, and others of Carmarthenshire, against the Union of the Bishoprics of St. Asaph and Bangor.—By the Earl of Warwick, from the Leamington division of Warwick, against their defraying a part of the Expense caused by Riots at Birmingham.

CANADA—ST. SULPICE.] The Bishop of *Exeter* rose in accordance with the notice which he had given to submit to their Lordships a motion for an address to the Crown, in consequence of the ordinance agreed to by the Governor and Special Council of Lower Canada, relative to the incorporation of the ecclesiastics of the Seminary of St. Sulpice; and, in doing so, he hoped that he should be permitted to state his reasons for adopting this course. When he first brought this matter before their Lordships, it would be in their Lordships' recollection that he said it was his intention to state the reasons which struck his mind in favour of the prayer of the petition, the contents of the petition, and the objects which the petitioners had in view. On that night, if he had experienced any grave opposition to the observations which he had addressed to their Lordships; if he had encountered any grave opposition founded on solid argument, he should have paused and hesitated before he took the decisive step of submitting to their Lordships the motion which he was about to lay before them. But when he found that all he had said on the petition was remarked on by the noble Viscount near him (and he made the observation will all respect to the noble Viscount's fine talents) in a manner that seemed to him to be no answer to his observations, when he saw the importance that was attached to the statement and arguments which he had offered to their Lordships, when he recollected the noble declaration of the noble Duke opposite (that declaration being, that he was strongly and decidedly opposed to this first attempt to break in on the principles laid down at the Reformation); and when, moreover, he found that the sentiments of that illustrious man were re-echoed throughout the empire by every individual who seriously considered the subject, he felt that he had no other course to pursue but that which he had adopted. Such being his impression, he at once informed those who were more immediately interested in the subject, that he meant to give notice of that motion which he now brought forward. And yet, he frankly confessed that he was greatly surprised at circumstances which had since occurred. He had been cheered by the ardent assurance of sympathy in the success of his motion on the part of many noble Lords in that House, and he had been urged on by that assurance, he would say, up to the very day for which he had given his notice; but rumours had since reached him — rumours which those who went through the streets could not help hearing, that new lights had broke in on the noble Lords opposite, that they now have found out that their sympathy had been misapplied; that it was a mistake; that he was wrong; in one word, he was told, that he could not bring forward his motion with any hope of success. The consequence was, that he felt himself placed in a situation of much difficulty; that he felt himself disappointed, discouraged, dispirited; nay, almost already discomfited. Still he was determined, under all the circumstances, to perform his duty to his country, to the British parts in Lower Canada—to the cause of true religion in that most interesting and valuable colony—from that no consideration should induce him to shrink.

The discussion of the present evening would be greatly simplified by one important admission that was now made; namely, that the Seminary of St. Sulpice had no legal right to the endowment which the ordinance of the Governor and the Special Council sought to bestow on it. In lieu of legal right, however, another claim was set up — that the ecclesiastics of St. Sulpice were entitled to this boon in equity; that claim in equity being founded, it seemed, on the suffrance of the Government during the last sixty or seventy years, and the intention manifested by different Ministers, one after another, to deal liberally with that which the recent ordinance professed to give at once. Now, as to this statement, he must remark, in the first place, that the statute called the Quebec Act was directly opposed to the principle on which the ordinance was founded; for that Act, in the very clause which assured to the Canadians the full enjoyment of their property, expressly excepted the religious orders and communities; and, in the next place, the principle on which the ordinance was founded, was not only not supported, but was directly opposed by all the law officers, who, on repeated occasions, had been called upon to give, and had given, their opinions on the question; and, in the next, that principle was not, in any instance, supported by the law officers. Now, he believed, that the Crown was not in the habit of consulting the law officers, from time to time, for the purpose of acting contrary to the opinion of those law officers, when it happened not to be in accordance with the views of particular individuals. Every instance when the law officers were applied to, ought in fairness to be considered as a notice to the Seminary of St. Sulpice, that their claim was considered to be of a doubtful character, and that it was intended to act in conformity with the opinion given. A noble Earl opposite (the Earl of Ripon), when at the head of the Colonial-office, had entered into a correspondence on this subject. He directed Lord Aylmer to enter into a negotiation with the heads of the seminary, and stated what terms were to be offered to them. The noble Lord said, "If they do not accept of these terms" (the noble Lord spoke it with all kindness and courtesy, but he did speak it), "if they do not accept of these specific terms, he must, however reluctantly, apply to the Crown to assert its just claims." But if those parties had a legal claim, or a claim founded in equity, what ought to be the result? Would it not have been necessary to concede the whole; to do all that was demanded; to give to those parties everything they asked, every thing, at least, which was included in the right asserted on the one hand, and conceded on the other? And yet, there is no doubt, no question, that the ordinance exercised a certain discretion with respect to what it gave It gave largely, enormously, much more than, he hoped, their Lordships would tolerate; but it did not give all; and by refusing to give all, it thus let in the whole question of what it was right and fair to give.

In this case their Lordships were called on by the constitution of the country to exercise their discretion. The law which required, that the ordinance should be laid before them, imposed on them this duty; and therefore it was necessary for him to ask their Lordships, in exercising that discretion, to consider what was the amount, and what was likely to be the result, of the gift now about to be conferred on this body of ecclesiastics. This was manifestly the more necessary, because, as he informed their Lordships on a previous occasion, the council, presided over by the Governor-general, had thought fit to refuse all information as to the amount of property to be given to this seminary under the ordinance. On that account the petitioners had deemed it necessary to inform their Lordships, through him, of the amount to which the intended donation would extend. The value of that property, according to the report of the Commissioners of Inquiry appointed in 1836, an extract of which he would read, was as follows:—

"The assessment on landed property within the city of Montreal is 2½ per cent. on the rental; and, according to evidence furnished to the Commissioners of Inquiry in 1836, the assessments in that year amounted to 4,150*l.* Buildings being supposed to pay on an average 8 per cent, interest, this would give the total value of property within the city as . . . . . £. 2,075,000

The island of Montreal, exclusive of the city, contains about 140,000 acres, mostly in a high state of cultivation. There are several villages in the island, and numerous country seats in the neighbourhood of the city. An average valuation of 10*l.* per acre is considered too low by those who are well informed on the subject . 1,400,000

£3,475,000

"The commutation fixed by the ordinance varies from 5 to 12½ per cent., according to the extent of improvement on the land. Assuming an average of 7½ per cent., the St. Sulpicians would receive for the commutation of *Lods et Ventes* £260,625

"St. Gabriel Farm, of 300 acres, comprised partly within the city limits. Fief Nazareth, adjoining this property, has been conceded on building leases, at an annual rent of 3*l.* for the eighth part of an acre; and, besides paying that rent, the lots bear a value of from 10*l.* to 75*l.* each, according to situation. St. Gabriel Farm would certainly produce at present, if divided into building lots and sold on credit, a sum of not less than . 50,000

£310,625

"The assessment on buildings within the city is, generally speaking, below the real value, and on farms, orchards, and vacant lots, forms no criterion as to the actual worth. The assessed rental of four properties collectively, is 207*l*, which, according to the previous calculation, would represent landed estate to the value of 2,587*l.*, and yield to the St. Sulpicians, on a commutation of 7½ per cent., the sum of 194*l.* The real value of these properties being 26,400*l.*, the St. Sulpicians would actually receive 1,980*l.*, being more than ten times the amount previously estimated.

"Not much more than one-fourth of the land within the city limits is yet built upon, and, taking that circumstance into view, together with the manner in which the assessment roll is usually prepared, vacant lots being frequently altogether omitted, and the number of valuable buildings erected since 1836, the St. Sulpicians will probably receive for commutation, within the city, over and above the amount already stated, a sum of not less than 50,000

"The arrears of *Lods et Ventes*, in the city of Montreal, by the Seminary's statement to the commissioners in 1836, amounted to . 34,000

£394,625

"The value of the other seignories held by the St. Sulpicians cannot be so satisfactorily established as that of Montreal. The seignory of the lake of the Two Mountains and its augmentations contains about 200,000 acres, a great part unconceded, and having a valuable growth of timber. The number of inhabitants is supposed to be between 9,000 and 10,000, and there are two villages of some magnitude, St. Benoit and St. Scholastique. The seminary has two corn-mills and eight or ten farms in its own management, and several saw-mills and manufactories are possessed by individual proprietors.

"The seignory of St. Sulpice contains about 70,000 acres, all conceded. The population is about 12,000. There are three villages in this seignory, St. Jacques, St. Sulpice, and L'Assomption; the last named contains about 200 houses, many of them costly and commodious stone buildings.

It would occupy too much space to go into a minute detail as to the probable sums to be levied on these two seignories on the terms provided in the ordinance; but it may be assumed with certainty, that the capital represented by the *Cens et Rentes*, the farm property, and the commutation of *Lods et Ventes*, would amount to more than 100,000*l.*, yielding to the St. Sulpicians, the seignory of Montreal inclusive, a sum total of about 520,000*l.*, in addition to which they would acquire a valid title to nearly 150,000 acres of land in the seignory of the Lake of Two Mountains, and the arrears of *Cens et Rentes* and *Lods et Ventes* on the two seignories amounting it may be supposed to a large sum."

The entire value of the property was

estimated, it would appear, at 520,000*l.* He believed that the value was not overstated. If, however, any doubt was felt on that point, one or two of the parties who so estimated it were now in town, and would be glad to be examined at their Lordships' bar in support of the accuracy of their valuation. Now, the interest of money in Lower Canada was 6 per cent., which on 520,000*l.* gave an income of something more than 30,000*l.* a-year. The amount was no reason why the grant should be withheld, if it were demanded by justice, and he for one would not join in an adverse vote, if such were the case. But as this is not the case, as, on the contrary, the claim of right is abandoned, it behoved the Legislature of a Protestant country to consider well before they gave so enormous a sum for the support of the Roman Catholic religion — before they agreed to allow so enormous a sum for such a purpose in a country where 30,000*l.* a-year, an extremely large sum in any country, was absolutely appalling when they reflected on the purposes to which it would necessarily be applied. That sum was equal to one-third, or nearly so, of all the revenue of the lower province. He could not conceive how they could, consistently with their duty, give to a body of Ecclesiastics a sum equal to one-third of the revenue of the province for the purpose of maintaining the Roman Catholic religion. Why, the church of Rome in that province was already enormously richer than the Church of England — it was richer than the Church of England beyond all calculation—and the sum which they were now, by this ordinance, about to bestow on the seminary was an additional grant to seven times the whole amount that was given by the Government to the parochial clergy of the lower province. Let their Lordships also bear in mind that the miserable 4,000*l.* a-year given to the church in Canada was not settled in perpetuity. There was an absolute pledge given, that it should be contracted as the individuals dropped off to whom it was now doled out. But with respect to the Roman Catholic seminary, they were called on permanently to endow it, so that, through all generations, this Popish establishment might be upheld and supported. It ought to be recollected that Montreal was a city to which vast numbers of needy emigrants from this country resorted. There were no Poor-laws there — there were no means of relieving the distresses of the poor. Under these circumstances, to give 30,000*l.* a-year to be dealt with by this ecclesiastical corporation, amidst such a population, was, in fact to enable them to plant triumphantly the standard of the Roman Catholic church throughout the whole province. Why this liberality to the Roman Catholics? Were their Lordships justified in this course, and were they even doing that which they were bound to do by the statute-law of the land? Not even so. By the statute law of England, by the statute law of Canada, and by the instructions which were issued to all governors of this province, and he supposed, therefore, to the present noble Governor, all the tithes due from Protestants were to be employed for the purpose of maintaining the Protestant Establishment. Not only was this the case, but it was also ordered by the instructions to which he alluded, that the amount of funds derived from vacancies in the church, should be employed in the same way. Such were the requirements of the statute law, and of the instructions issued by the Government to the governors of the province; but at this hour there was not an instance of a curè of the Roman Catholic church having a legal right to tithes; because none of them had received the licence of the governor. This had been told him by a high authority in the province, on whose testimony he placed the fullest confidence, and if he were wrong, there were some of their Lordships would have the power of contradicting him. The result was, that all the tithes in right belonged to the Protestant clergy, for there was no lawful Roman Catholic incumbent; yet, as they were not paid directly to the Protestant clergy, but through the governor, the Protestant church had lost every shilling of the amount. On this subject it was impossible to forget the measure of last Session in reference to Canada. Their Lordships had seen what a meagre and beggarly support had been given to the church of England in Canada, while that church, with others of a similar faith, had a clear, an exclusive, and an admitted right to the whole of the clergy reserves. Their Lordships were then quite willing to yield at the bidding of other parties, who required them to sacrifice the legal rights of the church—rights which it was their sacred duty to preserve—and yet he feared that they would be ready that night to act on a contrary principle, and would profess to admit the sacredness of not legal, not equitable—but factitious and merely colourable—claims. In short, he feared that a majority of their Lordships would that night manifest a disposition to deal lavishly in favour of the church of Rome. That that church might have a claim on some persons he would not deny, but if it were admitted by their Lordships generally, he must presume that it would be admitted from a deep sense of duty. Yet how can a sense of duty lead them to such an admission? If this ordinance passed, it could only be regarded as a measure for Papalizing Lower Canada. Such would be the result, and if their Lordships consented to this ordinance they had better make up their minds to see it speedily realized. If their Lordships were resolved to give up this property to the Papists, if they thought that such a course was the best that could be adopted for attaching the Roman Catholics of Canada to Protestant England, and if for this reason of supposed expediency they were willing to sacrifice the interests of true religion, they must act as they saw fit; but for himself, he had a duty to perform to a Higher Power, and to a Higher Authority than any which he saw around him, and he should not shrink from the performance of that duty.

Whatever right the Roman Catholics had to this property—whether they had a claim in equity, or a claim on their generosity—it must at all events, be admitted, that that claim could not be on a better footing now than it was when the parent seminary was in possession under the rule of the French King. This seminary was an offshoot of the seminary of St. Sulpice at Paris, which, in 1667, was endowed with the seignory of Montreal by Louis 14th. The letters patent of 1667 were in the following words:—

"Louis, by the Grace of God, &c. Whereas the ecclesiastics of the seminary of St. Sulpice, of the Fauxbourg St. Germain de Paris, have humbly exposed to us that the Sieurs Faucamp, &c., have, by deed of gift, bearing date the 19th of March, 1663, given and conveyed to them the seignory of the island of Montreal, in New France, with its appurtenances and dependencies, whither they have sent priests, who have laboured in the conversion of the savages with so much success, that they have determined to send out other priests, to the number of fourteen, to establish a community, if it be our pleasure to grant them the necessary letters patent for this purpose—for these reasons, be well informed that we cannot do anything more advantageous for the propagation of the faith, and for the establishment of the Christian religion in our province of New France, and being willing to favour the said memorialists, we have permitted, and by these presents do permit them, to erect a community and seminary of ecclesiastics in the island of Montreal, there to labour, according to the intentions of the petitioner, in conformity with the holy councils of the church, and the ordinances of our kingdom, in the conversion and instruction of our subjects, and in prayer to God for us and our royal successors, and the peace of the church, and of our kingdom."

Such was the state of the seminary while Lower Canada was under the dominion of France. The ecclesiastics of that institution were bound to the performance of certain specified duties, in consideration of the vast endowments which were bestowed upon them, and the Crown of France had a right, and was bound, to see how the purposes for which the seminary was instituted, were fulfilled. This was an institution, not established for private, or even for merely charitable, purposes. France had a great state object in view—namely, the conversion of the Indians, and the instruction of all the subjects of New France, or Canada. Before the conquest of Canada, the seminary held its property under the Crown of France in consideration of the performance of the duties which he had mentioned, and the Crown of France was bound to see how those duties were discharged. Now, he need not tell their Lordships, that on the conquest, England obtained possession of Canada with exactly the same rights which were enjoyed by the kings of France. The right of conquest was, that the conquering sovereign should succeed to all the rights, power, and authority in and over the conquered province which were possessed by the sovereign from whom it was acquired. At the peace of 1763, Canada was ceded to this country, and by the express words of the treaty which was then concluded, all the rights, power, and authority possessed by France, were transferred to Great Britain. Their Lordships would therefore see, that the seminary of St. Sulpice was, even after the conquest, bound to dispense the funds arising from its vast endowments in the fulfilment of the great public purpose for which it was originally established—the conversion of the Indians, and the instruction of all the subjects of Britain in the province of Canada, and that under the direction of the Crown of England. Such was the necessary result of the conquest of Canada by England. From the circumstances of the province at that time, however, it was not surprising that England should have been unwilling, immediately after the conquest, to exert the full right and authority over the seminary which she had acquired —that she did not at once insist on the funds arising from its possessions being applied to the conversion of the Indians, and to the instruction of all the subjects of England in Canada according to the principles of that religion which was acknowledged as true by the Crown of England. Yet, that England had that right was unquestionable, as their Lordships would find, on reference to the third book of Grotius's work *De Jure Belli et Pacis*, chap. 8. There the principle was distinctly laid down, that the conquering sovereign succeeded fully to the rights, power, and authority, enjoyed by the conquered sovereign, and he therefore held that, unless there were any special stipulations to the contrary in the treaty of peace, England had obtained over the seminary of St. Sulpice, all the rights which had been enjoyed by France. Now, in what way was it that this principle operated? Under the conquest, it became the duty of Great Britain to see that the funds arising from the original endowments of the seminary should be disposed of in the way appointed by the deed of Louis 14th, that was, for the conversion of the Indians, and for the instruction of all the subjects of the British Crown in the province, according to the doctrines of the Church of England. He was not going to claim it as the bounden duty of the sovereign of this country, that he ought to take possession of the whole funds, and that he ought to insist on their being applied solely in promoting instruction, according to the doctrines of the Church of England. He had no such intention; but the least measure of the duty of the Crown of England was, to see that a fair proportional part of the revenue of the seignory should be devoted to the religious instruction of Protestants; that was the least duty of the sovereign of this country, under the rights which were obtained by the conquest. If there were any doubt on their Lordships' minds on this point, he would remind them that the Sovereign of this country had entered into the most solemn and stringent engagements, in regard to this subject, and the Ministers of the Sovereign, offering their advice to the Crown, were bound by their oaths to hold those engagements sacred. Let them for a moment suppose, that while the seminary held its possessions under the Crown of France, the body politic in that nation had thought fit to dissociate itself from Rome, and to become Protestant; what, under such circumstances, would have been the duty of the King of France? Had France become reformed, the King of that country must have insisted on the seminary employing its revenues in the promotion of religious instruction according to the doctrines of the Reformation. If there were any doubt on this point, then he would ask how was it, that, in this country, those endowments which had been granted in Popish times for the support of the Roman Catholic Church, were transferred at the Reformation to the Church of England? The same principle must necessarily have been acted upon in Canada, supposing France had become, like England, a reformed country, and had separated herself from the Church of Rome, and this seminary would then have been bound to administer its revenues for the promotion of the doctrines of the reformed religion. If this were the correct principle to be applied in the case of France which he had supposed, was it not to be equally applicable to England? Was the right of England less than the right of France? Was the right of a foreign sovereign greater than that of their own? England, now that it had possession of Canada, had the same rights and duties as France would have had, had France become reformed. If it were not so what would be the consequence? If great Britain had obtained possession of the colony, and if France had become reformed as well as England, then, if the doctrine which he had contended for were not correct, neither Great Britain nor France could have touched the revenues of the seminary nor applied them to any other than Roman Catholic purposes, even should both nations have become Protestant. Such was the manifest tendency of any doctrines at variance with the principles which he advocated.

In other words popery would have acquired in Canada a surer and more unalterable establishment by that province becoming a part of the dominions of the Crown of England, than it could have had while it continued a dependency of France.

They had heard a great deal of the consequences which it was asserted would result from denying this ordinance, and within the last twenty-four hours he had listened to much about the agitation and excitement which a refusal to sanction it would create. They were even told, perhaps by way of threat, that such a course would revive a third rebellion in the province, and they were asked whether the prevention of such consequences would not be cheaply obtained by allowing the ordinance, recommended as it was by the Governor of Canada and his Special Council? He was not, however, aware that the noble Governor of the colony or his Council was infallible. They might err like other men, and he had the satisfaction on a former occasion of hearing from the noble Viscount near him a statement to which he now wished to call the attention of their Lordships. In reference to a dispatch from the noble Governor of Canada, in which he stated that he had pressed forward this ordinance in conformity with instructions from the Government at home, the noble Viscount had said that the Government had given no instructions upon the subject: all they said was, let some ordinance be passed. At least, then, he was warranted in concluding that this ordinance had not the sanction of the judgment of Her Majesty's Ministers. But were there no authorities on the other side of the question, and against the ordinance, as well as against the fears which some entertained of the consequences of refusing to sanction it? The British petitioners in Montreal—that body which in times of danger and difficulty had loyally supported the rights of the Crown—stated, that they apprehended no such danger, and they expressed their confident hope and prayer that the ordinance would not be passed, for this only reason, because to pass it would not be less unjust than it would be mischievous — mischievous, because tending to destroy the peace and tranquillity of the province. They had also the almost unanimous resolution of the magistrates of Montreal—eighteen out of twenty-four—not contradicted by any one of the other six against the ordinance, and expressive of their opinion that no bad consequences would result from its rejection. Nor was this all. The Solicitor-general of the colony also thought that no danger would result from its rejection. There was also the authority of four members of the Special Council to the same effect, and this was not all the authority they had upon the subject. He was able to state, upon the authority of two gentlemen of Montreal, that no danger was to be apprehended from the course which he advocated. One of those gentlemen had expressed his astonishment on this point in the strongest terms. So strong, indeed, was his language, that he had begged leave to write it down, but the gentleman to whom he alluded was willing, if their Lordships saw fit, to state his opinions at the bar of that House. He had informed the noble Viscount who those gentlemen were, and, from the conversations which he himself had held with one of them in particular, he was satisfied that his statements were entitled to the utmost consideration. This gentleman was cautious in stating facts, he was a religious man, and anxious to correct any exaggeration into which he might have fallen. He would now read to their Lordships what this gentleman had stated. Mr. Matthewson, a member of the corporation of Montreal, on reading Lord Sydenham's despatch of January 20, 1841; in which he says that "all excitement has subsided," declared, in very strong terms, "that this averment is most delusive. (Of course, not written with a delusive intention on the part of the governor.)

"True it is, they say, that there is now a cessation from active measures of resistance. But this proceeds from the British party being satisfied that they have done all that is in their power against the ordinance, and because they have a confident hope that their petition to Parliament will be successful. Should this hope be disappointed, a feeling of deep dissatisfaction and discontent would be produced, though they may be too loyal to attempt any resistance to what would then be law. One gentleman, a member of the Special Council, who had himself previously to the ordinance commuted his property and was therefore interested in seeing the claim of the seminary established, was yet strenuously opposed to the ordinance, because, as he publicly said, he considered it most iniquitous, and likely to endanger the safety of the colony, by weakening the attachment of the British population. Many other persons have said the same to these gentlemen, adding that they would gladly sell their property, if they could do so without a ruinous loss, and quit the colony for ever, rather than live there, when it is thus given up to a Romish seminary. They themselves had this feeling. There is a strong feeling on the part of the Protestants that the ordinance deals unfairly with them, who stood by the British Crown in the day of danger. There is scarcely one of the petitioners who did not take up arms and expose his life for the maintenance of the British Crown in Canada. On the other hand, few of the Canadians of Montreal, and those few connected by marriage or otherwise with the British, took up arms."

In the battalion in which Mr. Matthewson himself bore the commission of captain, a battalion between 700 and 800 strong, there were not more than twenty Canadians. He reckoned the number at the highest: he did not know that they were more than ten. Yet in the other three battalions he believed they were still fewer; for his battalion was formed of the inhabitants of the West Ward, in which the Canadians abound, it being in that part of Montreal which is mixed with the country. Mr. Matthewson said, he was confident that an address from that House against the ordinance, thus remitting the question to the provincial legislature, would not make the Canadians disaffected. He believed fully that they would be themselves glad of it, though under the influence of their priesthood they had supported the measure. He gave an instance. He himself carried the petition round his own ward, and on asking a most respectable Canadian, a Roman Catholic, a particular friend of his, an active magistrate, and most loyal man, one whose loyalty had exposed him to the threats of the rebels, one of the six aldermen of the corporation of Montreal, a churchwarden of the Roman Catholic church, to sign the petition, that gentleman read it and answered,

> "You know the situation in which I am placed; I wish you to go on and prosper. If you had in your petition asked the Government to give the seminary something handsome, in consideration of their long possession, I would have signed your petition."

Now, these petitioners said nothing to the contrary; nay, they were prepared to have joined in such a measure, and if a measure to settle this question could have been brought forward in the British Parliament, he had been furnished with documents by the petitioners which proposed to give to these ecclesiastics, or to the objects or establishment of which they were the head, a sum of not less than 8,000*l.* per annum, a sum equal to all that hitherto had been received by them. These then were authorities — important authorities, against the notion, which it had been attempted to make prevail in England, of the probability of a fresh rebellion in Canada, if this ordinance were not carried into effect. It seemed, however, that under this erroneous notion the British population in Canada, who already considered themselves much injured—they who had offered to shed their blood for this country, were to be sacrificed to the supposed interests of those who had rendered necessary the offer of that sacrifice. But these were not the only authorities with which he was prepared. The fact was (and it was a fact not to be denied), that one of the greatest inducements, one of the most successful excitements to the rebellion in Canada, was, that if the rebellion succeeded, the population would get rid of all seignorial dues. So much was this felt that when Mr. Nelson attempted to re-excite the rebel feeling after it had been put down by the petitioners under the wise governors at that time placed over them, in one of the proclamations which be issued from the American borders, he stated as one of the grounds why he called upon the Canadians to renew the rebellion was, that by so doing they would get rid of all seignorial dues: and yet the House was to be now told, that if it interposed between the Governor and Council of Canada and the Crown in this instance, and thus obtained for their fellow-Protestants an act of mere justice, that then, forsooth, there would be a fresh rebellion. But while their Lordships were considering these matters, whether they were to encourage rebellion by pursuing one course, or to repel it by following another, he (the Bishop of Exeter) must remind them that there were other considerations which ought to have some weight. Was not right, was not duty right, was duty still to be considered of some weight? He knew not whether or not the time was gone by for such considerations, but here there was a claim of common honesty to be preferred—a claim which he trusted their Lordships would not lightly abandon. He repeated that the funds which these ordinances disposed of were not the Queen's, nor the governor's, nor the legislature's to give—they had already been given, and they belonged to the consolidated fund of the province—they had been surrendered already, and surrendered too on terms which formed one of the conditions of the union of the two provinces. Their Lordships knew well that all hereditary, territorial, and other revenues at the disposal of the Crown had been fully surrendered by the Act of Union to the provincial legislature. On a former occasion he had shown that the claim of the Crown to the property in question, was stated by the commissioners in 1836 as one item of value in the list of the boons which were to be given in exchange for a civil list. He had, however, since heard it remarked, that in another report a few months afterwards, these very commissioners had said, that Parliament ought in generosity, or rather in the equity of generosity, to have given this property to the seminary. Now, with all respect to the commissioners (and for one of whom he entertained the highest respect), there were no grounds for the position they had taken. Be this, however, as it may, what was the real course of the proceedings of these commissioners. In the January of that year they had offered to the Legislative Assembly all the hereditary revenues and (*eo nomine*) claims of the Crown in the Seminary of St. Sulpice for a civil list. The offer was refused by the Legislative Assembly, and therefore the commissioners were not bound to act thereafter in the same way, and they were at liberty to advise a different disposal of these funds, and so they did. Their advice, however, was not taken, and what then? Was this the last time they had heard of the proposition to surrender all the revenues of the Crown in exchange for a civil list? No; for the offer had been repeated by Sir George Arthur. The noble marquess (Normanby), reminded him, that Sir George Arthur was in Upper Canada. That was quite true, but in his time a bill on the subject had been proposed, which ought, if it stood alone, to have no operation on the question now before their Lordships. But when Lord Sydenham went out as governor of the whole province he opened the Parliament of Upper Canada in these words:

> "I am commanded again to submit to you the surrender of the casual and territorial revenues of the Crown in exchange for a civil list."

He admitted this offer could not be held to include the revenues of the lower province, but then this was not all that passed on the subject: for four days afterwards Lord Sydenham sent a message to the Legislature of Upper Canada as to the terms of the union of the two provinces: and in that message what did he say? The noble Lord stated three conditions upon which the union was to be based, and of those conditions the second stipulation was the grant of a sufficient civil list. The legislature of Upper Canada, the only constitutional legislature then existing, answered that demand of the governor, accepting the offer he had made to surrender the Crown revenues, and engaging to unite with the lower province on condition that there should be a surrender of all the revenues of the two provinces. [Lord *Ellenborough*.—No, no, not a word about it.] The noble Baron would have an opportunity by and by of showing there was not a word about it; but in the mean time he thought he should be able to prove that there was a word about it. These, he repeated, were the terms offered for the union of both provinces; the second stipulation for the grant of a sufficient civil list; and the third for the charge of a portion of the debt incurred by the upper province upon the lower province. In the despatch he admitted that nothing was said in terms about the surrender of the Crown revenues; but that had been said before, and the question really was, whether the revenues of St. Sulpice were at the disposal of the Crown at the time the ordinance passed, or rather at the time the Act of Union passed. It could not now be denied that such was the case; but it would, perhaps, be said, that these ordinances took place before the Act of Union, and the revenues of St. Sulpice were therefore separated from the revenues of the Crown. He denied that the ordinance in question was worth the paper on which it was written until it had received the Royal sanction. The noble Viscount near him (Viscount Melbourne) shook his head. Why, true it was, that till November, 1842, the ordinance would be available if the Crown does not disallow it; but after that date, without the express sanction of the Crown, the ordinance would be absolutely void, and the House was that night called upon to decide, whether they would not advise the Crown to withhold its sanction of the ordinance.

He contended there could not be a permanent union under the Act of Union, unless all the stipulations made in that act were faithfully fulfilled, and one of those stipulations, he repeated, was, that all the property of the Crown should be placed at the disposal of the legislature of the province. The present question, therefore, was not an affair of generosity, for the funds had already been disposed of; it was a question upon which their Lordships ought to bear in mind the old adage "Be just before you are generous." These funds, the property of the Crown, had been placed at the disposal of the provincial legislature, and, therefore, in common honesty their Lordships were bound to remit the question back for the consideration of the provincial legislature. This was one of those points upon which on a former occasion he (the Bishop of Exeter) had the honour to receive the support of the noble Duke opposite (the Duke of Wellington). The noble Duke had (as he always did) stood forward plainly, simply, but manfully, in asserting the duty of this country to look to the distinct obligations which justice imposed, and he had recognised this as a clear and prominent claim of justice. Having already on a previous evening occupied their Lordships' attention, and feeling very much indisposed to trespass longer, there remained but one more topic upon which at present he desired to touch. It related to the character of that corporation which would be created by the ordinance, if permitted to pass. It professed to make an ecclesiastical corporation of these Popish ecclesiastics. Now, with all respect to the opinions of noble and learned Lords, (of whom he regretted there were at present only two in the House), he would in their presence venture to say, that no body of Popish ecclesiastics could be constituted an ecclesiastical corporation without violating the fundamental principles of our constitution. Let them but look to the purposes for which this body was to be incorporated, and the two noble and learned Lords present would, he was sure, sustain him in that opinion. It was the purposes for which it was incorporated not the persons incorporated which make it, or not, an ecclesiastical corporation. He had seen, it was true, an instrument which professed to incorporate some Popish ecclesiastics in Canada by letters patent, passed by George 4th, during the administration of colonial affairs by Earl Bathurst. That was not, he contended, an ecclesiastical corporation, and no attempt had been made to make it so. If the noble Earl opposite or any other noble Lord urged that instrument as a precedent on this occasion, he should listen with patience to the reasons why it should be so regarded, and either be convinced or have an opportunity of answering them; but, until he was better informed on the subject, he maintained with confidence that the purposes for which a corporation was designed could alone make it an ecclesiastical corporation. This was the language of a high authority on the subject of corporations (Kidd on Corporations):—

> "Ecclesiastical corporations are those of which not only the members are spiritual persons, but of which the objects are spiritual. It is not the description of persons forming the members of the corporation, but its objects, which make it a lay or spiritual corporation."

The colleges at Oxford and Cambridge were corporations, some of them consisting principally of ecclesiastics, but they were not ecclesiastical corporations. He would not say whether it was within the power of Parliament itself to establish such a popish corporation as was intended in this ordinance, but he must deny the right to incorporate, *salvâ republicâ* such an institution in this country, or in any of its dependencies; it would be at variance with the Act of Supremacy He must entreat their Lordships to remember that the statute of the 1st of Elizabeth was made by subsequent Acts of Parliament specially to apply to Canada. Both the statute of 1774, called the statute of Quebec, and the 31st of George 3rd, ch. 31st, specially decreed that the supremacy of the Crown, as established by the 1st of Elizabeth, should be maintained, not only in England, but in all countries which either then were, or thereafter should be, under the dominion of the Crown of England; therefore, above all countries that could be named, Canada was that in which it would be most presumptuous in any government to violate the supremacy. That it was violated by this ordinance, was, he thought, pretty clear. He begged to ask, who would have jurisdiction over the incorporated body of Roman Catholics? On looking at the conclusion of the ordinance concerning St. Sulpice, he found these words.

> "And be it further ordained and enacted by the authority aforesaid, that the said ecclesiastics of the Seminary of St. Sulpice, of Montreal, and their successors, as to temporal matters, shall continue and be subject to the same powers of visitation as in like cases were possessed and exercised by the kings of France before the conquest of the province, and are now possessed and exercised in that behalf by her Majesty in right of her Crown."

Here, then, was an abandonment of the Crown's supremacy in spiritual matter, in this very ordinance. Would it be said, that in spite of this abandonment by implication, it could not be got rid of? If so, he wanted to know how the Crown was to visit the seminary. By the common law of this land all ecclesiastical corporations were visited by the ordinary. The ordinary of Montreal was Dr. Mountain, the Protestant bishop. Was he to be the visitor of this Popish seminary? If not, who was? The name of the Roman Catholic bishop of Quebec was mentioned, but the noble Marquess had stated this arose from a mistake. He was glad to hear it, for a Secretary of State to ascribe to a Popish ecclesiastic a diocese within the dominions of the Queen of England would be a high crime and misdemeanour. Chief Justice Holt laid down that all ecclesiastical corporations must have a visitor; here there could be none, and on all these accounts he maintained, that it was plain that the establishment of an ecclesiastical corporation of Popish priests was contrary to the fundamental principles of the laws of the land. It yet remained for him to notice one particular of much less importance than others that he had considered, but yet absolutely conclusive as to this ordinance. By the very terms of the Act of Parliament, which gave to the Governor-general and special council in Canada, the power of making ordinances at all, they were precluded from making such an ordinance as that now upon their Lordships' Table. They were strictly precluded from making any ordinance which should alter or affect, (the act did not go so far as to say "damage") any spiritual or temporal rights of the clergy of the Church of England, or of the ministers of any religious community. Now, if these words had any meaning, it was manifest that they must extend so as to exclude the ordinance before the House, because the provisions of the 31st George 3rd, especially said, that nothing should be done in the way of benefitting any individual member or minister of any religious communion, without certain restraints, which restraints must in fairness be taken to explain the language of the statute in respect to the ordinance now under consideration. He submitted, therefore, that the special council of Canada, in adopting this ordinance, had exceeded its power, and consequently that the ordinance ought to be protested against by their Lordships. For all these reasons he humbly implored their Lordships to interpose between the special council of Canada and her Majesty, to prevent the commission of what he could only regard as a very great national crime. He repeated, that a measure which went to papalize a whole province, under a Sovereign who was sworn to maintain the Church of England to the utmost of her power—a measure which sought to give what it was not in the power of the Legislature to give, nor in the power of those who by this ordinance professed to have the power to give—a measure which was a violation of the fundamental laws of the land—such a measure, he repeated, could never receive the sanction of their Lordships' House; and to pass such a measure, he asserted, would amount to a great national crime. He implored their Lordships, therefore, to step forward and exercise the power which the constitution had wisely given them. Need he say, how much this country—how justly this country—looked up to their Lordships for a vindication of all its dearest rights, and, above all, its rights of religion? The Protestant feeling of this country demanded from their Lordships such an evidence of their sympathy, as would be exhibited by their Lordships supporting him (the Bishop of Exeter) in the motion with which it was his duty now to conclude; viz.,

"That a humble address be presented to her Majesty, praying her Majesty to withhold her assent to the ordinance for incorporating the Seminary of St. Sulpice, in Montreal."

The Marquess of *Normanby*, before he proceeded to offer such observations as he might think necessary, in opposition to the motion with which the right rev. Prelate had concluded, and in answer not only to the speech with which the right rev. Prelate had proposed that motion, but also to many portions of the speech which the right rev. Prelate had addressed to their Lordships on a previous occasion, could not avoid saying one word on the subject with which the right rev. Prelate commenced, namely, the assurance that but for the manner in which this question was met on the last occasion on which he brought it before the House, and when he addressed their Lordships merely on presenting a petition, he should not have thought it necessary to trouble their Lordships with the present motion. It was, of course, impossible for him to penetrate the right rev. Prelate's intentions; he could only judge by the right rev. Prelate's words; and in the course of the address which the right rev. Prelate made in presenting the petition, long before he was aware of the tone and manner in which that address would be received, or the manner in which it would be answered, he declared his intention of applying to their Lordships for their decision upon this question. Nay, the right rev. Prelate not only made that declaration, but actually stated the character in which he should appeal to their Lordships that he should call upon them as legislators. The right rev. Prelate now stated that his noble Friend (Viscount Melbourne) had given him but a very feeble answer upon that occasion. But how was the subject brought forward? The right rev. Prelate, upon the mere presentation of a petition, in reference to which he announced his intention of afterwards making a motion, took not only the unusual, but, he believed, the unprecedented course of entering into a detail of the whole history of Canada in a speech which occupied in the delivery no less a space of time than two hours and a half. But what was the state of the House at the time? He appealed to the noble Duke (Duke of Wellington) in what manner the right rev. Prelate's speech was received. The right rev. Prelate addressed himself in vain to one after another of those noble Lords who in former times had filled the office of Colonial Secretary; but one after another he found them all absent, because nobody had an idea that the right rev. Prelate's intention in presenting a petition was to enter into a detailed statement which should occupy two hours and a half. Under these circumstances could any one blame his noble Friend that he had waited for a more appropriate occasion to discuss the comprehensive topics, thus irregularly brought forward by the right rev. Prelate. The right rev. Prelate had divided his objections to this ordinance into three principal heads:—first, that it was unconstitutional, and unprecedented; secondly, unfair towards the parties; and, thirdly, that it was unjust towards the province generally. But before he proceeded to combat the right rev. Prelate's objections—before he proceeded to state the conduct of preceding governments, he begged to direct their Lordships' attention to what, within the last two years, had been their own conduct—a point upon which the right rev. Prelate had not said one word. The right rev. Prelate throughout the whole of his statement had always assumed that the ordinance of which he complained was a fancy of the noble Lord (Lord Sydenham) at present at the head of the government in Canada—that it was a whim that had occurred to that noble Lord—a project that had never before been heard of. But their Lordships would recollect that during the time of the administration of his lamented friend, the late Lord Durham, in Canada, there was a report made by Mr. Charles Buller—a very able and elaborate report—upon the circumstance connected with this seminary. That report was adopted by Lord Durham; and subsequently acted upon by their Lordships: for in the next year, in the month of June, he had upon the Table a despatch from Lord Durham, embodying the report of Mr. Charles Buller, and at the same time a draft of the ordinance intended to be submitted by Lord Durham, and afterwards actually passed by Sir John Colborne. It was true, that the ordinance passed by Sir John Colborne passed only as a project, because the special council at that time had not the power of passing permanent laws. But what did he himself state in opening to the House the Amended Act of 1839, as one of the two grounds why he considered it necessary that the imperial Legislature should give its assent to the ordinance which he suggested? Why, he stated that it was for the very purpose of giving effect to the arrangement proposed by Mr. C. Buller with respect to the seminary of St. Sulpice, was then there any objection taken to the proviso inserted with the express intention, of giving permanent effect to a precisely similar ordinance. He (the Marquess of Normanby) said. therefore, that the character of that House and of the Imperial Parliament was involved in their Lordships not forgetting what they did two years ago. For their Lordships to adopt the course now suggested to them by the right rev. Prelate, would be most unjust and unfair. The question, after all, was one of bargain, a bargain already agreed upon, and to some extent in operation. With what justice could their Lordships step in to prevent one of the parties to the bargain from giving the equivalent agreed upon? Their Lordships had induced certain parties to part with a portion of their property, upon the understanding that, in return for that property, they were to receive the advantages contemplated by this ordinance. If their Lordships did not fulfil the terms of the bargain, they would be inflicting upon those parties a signal injustice. The right rev. Prelate in the course of his speech had remarked—a remark that he (the Marquess of Normanby) had never before heard—that the bargain, in this instance, was a very improvident one—that the profits given to the seminary of St. Sulpice would be enormous; and then the right rev. Prelate proceeded to lay before their Lordships an estimate of the immense funds which would be at the disposal of these ecclesiastics. The information that he had received upon that point differed materially from the statement made by the right rev. Prelate. He believed that those persons had been commuting their property at only 50 per cent. upon the real value, so that instead of possessing the vast sums ascribed to them by the right rev. Prelate they were, in fact, in possession of no more than 200,000*l.* or 260,000*l.* at the very utmost. Then, in what manner did these persons spend their money? Why it appeared that they spent annually 100*l.* each on themselves, and 47 per cent. of their income in charity. The right rev. Prelate had referred to the authority of two Gentlemen connected with Canada to show that the ordinance was universally unpopular in that country. He (the Marquess of Normanby) had also some acquaintance with gentlemen connected with Canada, and in opposition to the statement made by the right rev. Prelate, he could refer to the testimony of a gentleman, a barrister, and a member of one of the oldest Protestant families of the province, who assured him that many of the old British families were very much in favour of the ordinance. He had also made inquiries of another gentleman of considerable station in the colony, as to the character of the two individuals quoted by the right rev. Prelate, whose names he had previously communicated to his noble Friend (Lord Melbourne). He must say, that it was not a very available piece of candour to give names merely, unless the right rev. Prelate had given the facts to which he meant to append their authority. This indeed might have really seemed to elicit the truth, but without invidiously canvassing the evidence of the parties whose names were thus given, he felt bound to state, that he did not believe, they occupied a position in the colony which gave much weight to there opinions. One had been but recently settled there, the other had merely made his money in a retail trade, being respectable people in their way, no doubt, but not authority on which the Governor-general's official report could be invalidated. The right rev. Prelate then proceeded to discuss the question of the legality or illegality of the ordinance. The right rev. Prelate contended that it was contrary to law, because it was at variance with the supremacy of the Crown. He was not qualified to speak with any authority upon that point. All he could say was, that upon that point, as upon all others of a legal nature, the greatest pains had been taken to obtain the best legal opinion. Previous to his leaving the Colonial-office, he asked this opinion of the law officers of the Crown upon the very point of how far it was, or it was not, competent under the act, for the special council of Canada to enact this ordinance. The opinion of the law officers was strong and decided; they said that there was nothing whatever to prevent the special council from passing such an ordinance. His noble Friend (Lord John Russell), now at the head of the Colonial department, since the passing of the ordinance, had submitted it to the consideration of the same legal authorities, and the reply received from them was of the same decided character. A further proof of the legality of the ordinance, and of the power of the special council to pass it, was furnished in the fact that Sir J. Stewart, the highest legal authority in the province, had voted in favour of it. The right rev. Prelate always spoke of Canada as if it were a Protestant colony. But was it so? He (the Marquess of Normanby) would presently quote authorities to show that it had not always been so considered. What happened at the very time of the capitulation of Montreal? The treaty of capitulation declared, that all the community and all the priests should retain their moveables and other property in the seignories, and that they should be preserved in all their rights and privileges. Then they came to the treaty of Paris, and much of the legal part of this question turned upon the validity of the deed of gift of the seignory of Montreal to the seminary of St. Sulpice. Now a communication had been made by the commissioners in 1764 to Lord Halifax, in which it was stated, that the King of England had engaged himself to leave in Canada the free exercise of the Catholic religion according to the laws of England. [The noble Marquess was proceeding to read the communication, translating it into English, when a noble Earl (Earl Mountcashel, we believe) appeared to dispute the correctness of the version given by the noble Marquess. The Marquess of Normanby then immediately read the whole extract in the original French, as follows:]—

> "My Lord Halifax—Lui a dit que, quoique le Roi d'Angleterre se fut engagé, par le traité, à laisser en Canada le libre exercice de la réligion Catholique et Romaine, suivant les lois d'Angleterre, il ne s'ensuivoit pas que des biens fonds, situés en Canada, pussent continuer d'appartenir à des Français, vivent en France, et sujets du Roi de France. Que S. M. B. consent que les prêtres du séminaire de Montréal continuent à eu jouir, mais sans dépendance du séminaire de Paris."

This without entering into the question of its legal effect at least gave the Seminary an equitable claim upon the justice of the Government, by showing the object for which the transfer was made with the assent of the Bristish Crown. He would next call their Lordships' attention to the manner in which the act of 1774 had been received, not only by those who had supported, but by those who had opposed it, for the purpose of showing their Lordships what had been considered would be the effect of that bill. When the measure was under discussion in their Lordships' House, one, whom he believed the right rev. Prelate himself would admit to be of some authority—he meant Lord Chatham—was reported thus to have delivered his sentiments:—

> "When their Lordships came to the religious part of the question he directed his discourse to the bench of bishops, telling them that as by the bill, the Catholic religion was made the established religion of that vast continent it was impossible they could be silent on that occasion."

But he was quite mistaken; for the report goes on to say although several right rev. Prelates were on the bench, none of them made any opposition to the clause, they all voted with the Ministry, no bad precedent perhaps in those times. He would also quote to their Lordships what was said by Colonel Barré in the House of Commons.

> "By this bill you establish the Roman religion where it never was established before, and you only permit the practice of your own. You do not even let them go hand in hand. For what purpose is the Ohio and the Illinois to be Roman Catholic?"

Noble Lords would perceive that throughout these discussions, the principal objecttion taken was to the extension of the limits of the province of Quebec. Every one seemed to admit, that Canada was Catholic. He had been hitherto reading to the House the opinions of the opponents of the bill, and he would now call their Lordships' attention to what had been said by the Prime Minister of that day. Lord North said,

> "After once fixing the government of Quebec in the hands of this nation, it was a matter of indifference to him what law or religion was established, so that it made the people happy."

That was the manner in which Lord North spoke upon the subject of the Quebec Government Bill. It should be remembered that Lord North was a favoured minister of that "excellent Sovereign George 3rd, whose name was never to be mentioned but with reverence." Lord North was not one of those ministers whom that "excellent Sovereign" sometimes thwarted, but one whom he stood by through good and through evil, through much unpopularity and odium, and whom he retained for many years as his adviser. There was under the circumstances of the province much good sense in these expressions of Lord North, but he much doubted whether in these "degenerate days," his noble Friend behind him would venture to say as much. Such, then, had been the opinions on both sides in 1774—such were then thought to be the effects that would result from that bill which the right rev. Prelate, inventing a new word, said had "papalized" the colony. In such a manner had that bill been treated by Lord North, Lord Chatham, and Colonel Barré, in 1774. But there was another authority to which he would refer there Lordships—a philosopher whose name was held in respect and esteem—he meant Edmund Burke. That great man, in a letter to Sir Hercules Langrishe, in 1792, upon the subject of the Irish Catholics, thus expressed himself:—

> "I voted last Session, if a particular vote could be distinguished in unanimity, for an establishment of the Church of England conjointly with the establishment which was made some years before, by Act of Parliament, of the Roman Catholics in the French conquered country of Canada. At the time of making this English ecclesiastical establishment, we did not think it necessary for its safety to destroy the former Gallican church settlement."

These were the opinions of Mr. Burke, and he thought the right rev. Prelate might have found leisure during the recess, and in the course of the months that had elapsed since he had first brought the subject before their Lordship, to have informed himself of those various opinions which he (the Marquess of Normanby) had been quoting, before he (the Bishop of Exeter) came down to the House and asserted that all these things were the "new lights" of 1841, and that this was the first time an attempt had been made to papalize what he called a Protestant colony. He would now beg leave to call their Lordships' attention to what had taken place in 1821 under Lord Bathurst. The incorporation at that time of the Seminary of St. Nicolet, was a precedent in favour of the present ordinance. Now, if the right rev. Prelate had been able to establish the fact that the corporation of St. Nicolet then created by Lord Bathurst was not a corporation of Romish priests, would he have omitted the opportunity? [The Bishop of *Exeter:* It is not.] He should be glad to know how the right rev. Prelate could draw any distinction between the two colleges. How did the right rev. Prelate make it appear that St. Nicolet was not an ecclesiastical corporation of Romish priests? Could it be called a lay coporation, seeing that it consisted of the Roman Catholic bishop for the time being, his coadjutors for the time being, two *vicaires grands* for the time being, and the senior curé of the district for the time being? Was not that an ecclesiastical corporation? The right rev. Prelate said, it was a corporation for the purposes of education. For what purposes, then, was the Seminary of St. Sulpice established? The right rev. Prelate had described them in the last debate. Were they not the same in both cases? He was really at a loss to conceive how any distinction could be drawn between the two establishments. But, before he went any further, he should like very much to ask the right rev. Prelate whether he was aware of the existence of the document to which he now referred—the charter of the corporation of St. Nicolet, before he first brought this subject under the notice of their Lordships? [The Bishop of *Exeter* replied in the negative.] The right rev. Prelate did not know of the existence of that document then, and his ignorance in that respect must be his excuse for addressing their Lordships in such language as that on the 4th inst. In reference to the present ordinance, the right rev. Prelate said,

> "But there were absolutely higher considerations, which proved the illegality of this ordinance. It professed to be in effect an ecclesiastical incorporation of Romish priests, and this was the first time such an attempt had been made, King James the 2nd durst do no such thing. Father Peter never claimed it. The attempt was reserved for the year 1841—a new age of new lights."

He might here observe, that however striking those "lights" might be, they could not pierce the eyes of those who were wilfully blind. The right rev. Prelate ought to have inquired if there had been a corporation. If the right rev. Prelate had read the protest of his noble Friend upon the subject, he would have seen the words, "In Canada, of late years, more than one Roman Catholic college had been established." That was the sort of information of which the right rev. Prelate ought to have availed himself before he made to their Lordships the assertion that this was the first time that Roman Catholic priests had been incorporated. He could not at this moment help asking the right rev. Prelate whether he did not think some explanation was due to their Lordships of the manner in which he had thought proper to read a despatch of the noble Earl opposite (the Earl of Aberdeen); and of the use which he (the Bishop of Exeter) had made of the authority of the noble Earl in his absence, and when he (the right rev. Prelate) must have known from the document he held in his hand that if he had proceeded to read only one sentence further, he would have found that the sentiment quoted had nothing to do with the views attempted to be inculcated by the right rev. Prelate. The right rev. Prelate, in quoting the despatch, made the following selection:—

> "Finally the terms of this bill are so chosen, that I apprehend they would terminate the question so long in debate, whether the corporate character, asserted by the priests of the Seminary of St. Sulpice, really belongs to them or not. The decision of that question in favour of the seminary would involve consequences which every Canadian, whatever his national origin or religious persuasion, would alike have reason to deprecate."

When the right rev. Prelate used these words, he thought there was something behind them. The right rev. Prelate carefully selected sentences, which in the common and correct use of words did not bear out the inference he wished to draw. The right rev. Prelate broke off at the point, and then said he was proud that he had the authority of the noble Earl the Colonial secretary to the noble Duke in favour of the petitioners. But what was the very next sentence of the despatch? [A noble Lord: What was the despatch about?]

It was on the subject of education, and it did not involve the tenure of one corporation only, but related to the bill that had been passed by the provincial legislature, conferring a corporate character upon every institution which might be possessed of lands to the amount of eight acres only, devoted to the purposes of education. But he was about to observe, that the very next sentence of the despatch, if the right rev. Prelate had chosen to go into it, was this: "Such as the necessity of holding a great commercial city upon a feudal tenure—" [The Bishop of *Exeter:* These words I added.] He thought the right rev. Prelate's memory had failed him in that respect. All he could say was, that he had not the slightest recollection of having heard those words used by the right rev. Prelate, neither had his noble Friends near him any recollection of their having been quoted. There were several reports of the right rev. Prelate's speech, and in all those reports except one, those words were omitted. But in the only report which contained those words in the extract quoted by the most rev. Prelate, there was an "&c." The "&c." had probably been copied from those extracts, which noble Lords and right rev. Prelates sometimes furnished to reporters after the debate. It still appeared that the right rev. Prelate was mistaken; that he did not read the words attributed to him; that the report in which those words were inserted happened to be one in which the right rev. Prelate had communicated his extracts. But if the right rev. Prelate had made no such communication—[The Bishop of *Exeter:* I did make a communication of extracts.] He still thought the recollection of the right rev. Prelate had failed him, as to having read the words in question, and the House would perceive that those words would completely have deprived the right rev. Prelate of the absurd authorities, to which he was appealing, as they would have shown that the objection felt by that Colonial Secretary was to a consequence which it the object of the present ordinance to remove for ever. The right rev. Prelate in the course of his speech, had made an attack upon his (the Marquess of Normanby's) noble Friend behind him, and also in the latter part of his tirade had attacked him, a humble member of the Government of the noble Viscount. The right rev. Prelate had said, that the present was a Government, the effect of the acts of which was, somehow or other, more than any other, to support the Popish religion in preference to their own, and the right rev. Prelate had complained that he had, in a despatch, given to the Roman Catholic bishop of Quebec the title of Bishop of Quebec. Why, what were the terms of the capitulation? Had not Lord Bathurst called him Bishop of Quebec? Perhaps that was one of the papers which the right rev. Prelate had been so glad to receive. If the bishop was not so styled, what else was he called? He was really bound to say that this was a most inefficient ground—and, if the speech had not come from reverend lips, he should have said a most ridiculous ground—whereon to form a charge against the Government. He had had all the despatches in the Colonial-office which he had written, most carefully searched, and none could be found in which he had talked about the Bishop of Quebec. But, if even the right rev. Prelate had been right in his fact as to that despatch, which he doubted, if even he had used the phrase attributed to him, he did not think he should have been singled out for attack in consequence of having done that which Lord Bathurst had done in 1821. Lord Bathurst had called the rev. Gentleman alluded to, the Bishop of Quebec. Indeed, it appeared the Bishop of Quebec had rather presumed in those days, and had assumed the title of archbishop, for Lord Bathurst, before he proceeded to grant the charter referred to in his despatch, had been obliged to write as follows to the Earl of Dalhousie:—

"Downing-street, 6th April, 1821.

"My Lord—Since I had the honour of conveying to you his Majesty's approval of the appointment of the Rev. J. J. Lartigue and F. Proxencheur, as assistants to the Roman Catholic Bishop of Quebec, in the administration of his diocese, the enclosed paragraph from a North American newspaper has been brought under my consideration. After the communication which took place with the Roman Catholic Bishop of Quebec in this country, I can with difficulty credit the information contained in it; for I cannot believe that the bishop could have so far misunderstood the views of his Majesty's Government as to conceive himself at liberty to assume within the province, the title of archbishop, or to consecrate a bishop for a new diocese within his Majesty's dominions, without his Majesty's authority.

"Should M. de Plessis, however, have been so ill-advised as to assume the title of archbishop, or should he have consecrated Mr. Lartigue as the Bishop of Montreal (of which facts your Lordship cannot fail of being correctly informed), it becomes highly necessary to mark his Majesty's disapprobation of such proceedings, and to withhold the sanction which his Majesty has been otherwise prepared to give to the appointment of two ecclesiastics as assistants to the Roman Catholic bishop, and to the establishment of a Roman Catholic school at Nicolet. Your Lordship will, therefore, not act upon the instruction of the 2d instant, unless in the event of being satisfied that the Roman Catholic bishop has not assumed the title of archbishop, and that he has not done more than appoint Mr. Lartigue and Mr. Proxencheur as assistants in the administration of his diocese.

"Should your enquiries lead to a different conclusion, you will confine yourself to communicating to Mr. de Plessis the reasons which now prevent an acquiescence in his wishes, and the regret which his Majesty feels in being compelled, by this undue assumption of authority on the part of the bishop, to withdraw his Majesty's sanction from an arrangement which the Roman Catholic bishop appeared to have much at heart, and to which, but for this circumstance, his Majesty would have had much pleasure in acceding.—I have, &c.

(Signed) "BATHURST.

"The Earl of Dalhousie, &c."

So much, then, for the accusation brought by the right rev. Prelate against him. But the right rev. Prelate was very apt, indeed, in making such accusations. He (the Marquess of Normanby) would say, that upon trivial and inefficient grounds, a serious accusation had been very ill supported—an accusation against the Ministers of the Crown, that they were supporting another religion at the expense of their own. What the Ministers were doing—and it was what he trusted they would continue to do—was to attempt to give a full and fair operation to the act of the noble Duke opposite for Catholic Emancipation. Such he felt to be the duty of her Majesty's Government. The right rev. Prelate, too, who is so fond of throwing out taunts, had not on that occasion given a continuance of his former vigorous opposition to that bill. The right rev. Prelate was at that time wielding not, indeed, a crosier, but a pen, and the right rev. Prelate very soon after the Catholic Emancipation Bill had been carried—he (the Marquess of Normanby), would not say, in the words which the right rev. Prelate had used the other night, *ergo propter hoc*, but certainly *post hoc*—had given their Lordships the advantage of his presence in that House. But to the point. The right rev. Prelate was perfectly aware of the nature of the corporation of St. Sulpice. He well knew, that they were a body of secular ecclesiastics. They were not therefore in that sense a monastic body. The right rev. Prelate said, that the exception proved as to the religious orders barred their claim as well as their right. Was it so? In all the instructions issued to the different Governors of Lower Canada they were called the Society of the Seminary of St. Sulpice. The King of Great Britain, on the capitulation of that province, entered into possession of all the rights previously engaged by the King of France as Visitor of the Seminary. That was the condition of the treaty of surrender—that was the spirit of the ordinances in question, and their rights were protected in the ordinances by requiring all the actual rules and regulations of the society, to be submitted to the Governor for the time being. [The Earl of *Ripon*: And the expenditure.] And the expenditure also. The right rev. Prelate had inveighed against the existence of the society as unconstitutional, but he in reply to that invective, would call upon the House, before it decided the question as between the right rev. Prelate and the Government, on that ground to take into consideration the locality of that institution, the circumstances under which the province of Lower Canada was annexed to the British Crown, and the manner in which that colony had always been treated by the Parliament of this country. The House was also bound to bear in mind, that the act of 1774—the act under which this corporation was confirmed—was admitted to create a province in which the Catholic religion was established, and this act supported by men of all parties; likewise, that the seminary existed on the additional security of the good faith of the assurances given by all Governments from that period to the present. If, however, the House chose to exercise the power which it undoubtedly possessed, in the way pointed out by the right rev. Prelate, then it would exercise it with singular inconsistency as regarded itself, and with gross injustice as regarded others. He trusted, however, that their Lordships would not accede to the motion of the right rev. Prelate, and that they would refuse, by their vote on the question before them, to fling into a civil community the curse of religious discord; a community, be it remembered, too, which, whatever had been its character for political strife, had always been remarkable for a Christian spirit in matters of religion, and a most peaceable piety on the score of faith. He also fondly hoped, that the vote to be come to that night by their Lordships, would be made the means of winning back to loyalty and good feeling a distracted colony, which had erred much, but which had suffered more. Under these circumstances, he hoped their Lordships would not advise her Majesty to refuse to confirm the ordinances which, he believed, in general equity, in justice to each individual, would have the effect of putting an end to one of the most oppressive and vexatious causes which now interrupted the growing progress of one of the most highly commercial communities in colonial connection with this country. He, therefore, trusted, that their Lordships, by a large majority, would mark their sense of the impolicy of the motion of the right rev. Prelate.

The Earl of *Ripon* said, that although it appeared by the papers on the Table of the House, that he was more or less concerned in the affair before their Lordships, he nevertheless, did not feel it incumbent on him to enter into any lengthened argument in support of the principles or details of the ordinance of the Special Council of Lower Canada, now submitted to their consideration. He had listened to the speech of the right rev. Prelate with attention; but he was completely at a loss to discover on what specific grounds the House could be called on to support his motion. Judging from the speech made the other night on the presentation of the petition, as well as from some expressions which had been dropped to-night, one certainly would have supposed, that the objection of the right rev. Prelate was entirely and exclusively one of principle—that in every part of her Majesty's dominions, in England, Scotland, Ireland, in colonies settled by British subjects, by authority solely of the Crown, or in colonies acquired by conquest, nothing should be done which could be considered as tending to support the Roman Catholic religion. But when, in another part of his speech, the right rev. Prelate referred to the course he would himself have been disposed to pursue in settling this question, he appeared altogether to abandon the high ground of principle. He said, that he, and the petitioners themselves, would have been ready to give up to this body a certain portion of those sums which, under this ordinance, would fall into their hands. But surely if it were right to give them any portion, the question of principle entirely fell to the ground; and the right rev. Prelate's objection was founded on the principle in question, then he ought not to consent to appropriate the smallest portion of this property to that body; if not, they were as well entitled to all as to a portion of it, and the question was merely a matter of regulation, and of degree, not of principle. This the admission of the right rev. Prelate effectually made it. But there was one point of view in which the right rev. Prelate either did not see this subject, or forgot to consider it; and that was the position of the colony of Lower Canada to the Crown of England. When it was conquered, it was not of the Church of England; and a different religion was found to be established, perhaps exclusively among its inhabitants. Was that religion—were the institutions of that religion to be extinguished, and the established religion of Great Britain and its institutions substituted in their stead? No; justice as well as sound policy forbade it; and in fact, the policy pursued by England in all cases of colonies conquered from an enemy and subsequently retained upon a peace was wholly different. And it never happened yet, that instructions were issued to a general, or clauses inserted in a treaty containing such a principle. The province of Lower Canada was French Catholic when it passed into the possession of England; and common sense, as well as common justice, taught every succeeding government that they could never hope to retain its dominion with anything like a friendly feeling on the part of the inhabitants by the pursuance of any such course. In fact, such a colony could never be kept in a state of harmony with this country, if the stringent principles laid down by the right rev. Prelate were to be applied to it. So much for the general subject. He should next say a few words respecting his own part in the transaction under discussion. When in office, in reference to this question, he found that since the conquest of Canada the seminarists of St. Sulpice had exercised all the rights and privileges of the property now proposed to be confirmed in their possession by the charter, and from the conquest of Canada to that time, no one had ever set up a pretence in the province or out of it, that they should be debarred from these rights and privileges because they were Roman Catholics. The only question ever raised on the point was a purely commercial or political one in the city of Montreal, and that was, whether it was proper that any corporation—it mattered not, lay or clerical—should be permitted to hold feudal powers such as they possessed. He (the Earl of Ripon) had never heard of any other objection to them. Under these circumstances he had only to deal with the case as it stood; and, in doing so, he felt bound to advert to the course taken by his predecessors in office, Lord Bathurst, Sir G. Murray, and others. Now, he found, that not one of his predecessors in office had ever proposed to deprive the seminary of St. Sulpice either of its corporate character, whatever that might be, or of the usufruct of the property which it claimed to hold of right, and which it held *de facto.* The right rev. Prelate laid much stress upon what he called the undoubted rights of the Crown as respected the corporation in question, and argued, and asserted, that in the course pursued by him and subsequent secretaries for the colonies these rights were improperly abandoned; and he argued that successive Attorneys and Solicitors general had given opinions favourable to these rights. Neither of these facts, the rights of the Crown, or the opinions of the law officers of the Crown, did he (the Earl of Ripon) dispute; but neither the government nor these legal authorities ever thought for a moment of driving the corporation into a court of law, for the purpose of having these rights asserted if such a course could be avoided. On the contrary, if ever there existed a case in which it was fit, proper, prudent, and honest, to propose a compromise, it was the case in question. On that conviction he (the Earl of Ripon) proceeded in his instructions for the government of the colony of Lower Canada. He did not deny the existence of the rights of the Crown, but he considered, that it would have been a most invidious act if the Crown pressed them to their full extent. It was a clear case for compromise, and as such he dealt with it. He should, perhaps, prefer his own plan to that propounded in the ordinances then under discussion; but he was of opinion, that if settled at all, it was far better that the question should be settled amicably than that any dispute should arise on it. It was only by dealing with the seminary of St. Sulpice as a corporation which it had always been recognised to be, that the rights of the Crown could be asserted; but the admission of a corporate faculty, which that argument involved, struck at the root of the case of the right rev. Prelate, the gravamen of whose charge was, that this ordinance created the seminary into a corporation for the first time; and thus relieved the ordinance from his charge of being a great national crime. The right rev. Prelate stated, that the rights of the King of France devolved on the King of Great Britain by the conquest and capitulation of Lower Canada. True, they did so, but the duties of the King of France devolved upon the Crown of Great Britain also; and it was certainly no part of those duties to seize on the property of those individuals under any pretence of right, or power, or privilege. To argue, therefore, that the Crown of England should seize on this property in pursuance of such a right, was, to say the least of it, preposterous. These were the reasons why he (the Earl of Ripon) supported the government in respect of the question before their Lordships, and in doing so, he did not consider that he compromised the Church of England in the slightest degree. He felt for the position of the Church of England in Lower Canada—in the midst, as it were, of another established church—for, in many material respects, such as a right to levy tithes from those of its own communion, the Roman Catholic church was established in that province, though not, perhaps, in the same manner as the Protestant Church in England—but he should not consider himself guilty of any crime, or conceive that he had done anything for which his conscience could reproach him, in supporting the ordinances of the Government on this occasion, and voting against the motion of the right rev. Prelate.

The Duke of *Wellington:* My Lords, in consequence of the few observations I made to your Lordships on this subject the week before last, I think it my duty to state to your Lordships the course I shall pursue in regard to the motion of the right rev. Prelate, and also to state to you the reasons which induce me to pursue that course to-night. My Lords, I entirely concur in the latter part of the speech of the noble Marquess opposite, when he says, that whatever might become of the greater portion of the property now in dispute, stated by some to belong legally to the

Crown, by others to the seminary called St. Sulpice—that body has an equitable title to a part of it. My Lords, I could never feel otherwise than this, whatever may be done with the great bulk of this property, made over to Canada, I conceive that there can be no doubt in the minds of any that ample provision should be made for all equitable rights to it, and all equitable claims, of which there is no doubt, and which right I consider exists in St. Sulpice. Of that I never entertained any doubt myself, and I concluded, that if this property had been made over under the Act of Union of the Canadas, and with the concurrence of the united Assembly of the provinces, of couse provision would be made for this seminary. And I confess I was of opinion that it also would have been desirable on other grounds, that this course should be taken, because I doubted exceedingly the propriety of another establishment of ecclesiastical corporations in these days, under the ordinances before your Lordships. But, my Lords, I must confess I was not then aware of what had passed on this subject, and on similar subjects on former occasions. I was not aware of it, my Lords, because I had totally forgotten these transactions. I must have been a party to some of them, for I was in the Cabinet in 1822, when Lord Bathurst wrote the instruction respecting St. Nicolet. I generally knew what was passing, and I conclude that I knew all about this; but I had certainly forgotten the circumstances. For, until I read the papers laid on the Table of the House, I had no notion that the subject was one of this nature; that the ordinance in question was but a copy of former transactions, the originals of which lay before me. The right rev. Prelate has attempted to draw a distinction between the corporation as established in Canada by Lord Bathurst under the Government of the Earl of Dalhousie, and that established by these ordinances. He has sought to make it clear, that the latter is an ecclesiastical corporation for ecclesiastical objects, because reference is made to ecclesiastical subjects in it, while he has endeavoured to establish in your Lordships' minds, that the former was not an ecclesiastical, but a lay corporation. But how stands the fact, my Lords? The former refers to precisely the same matters —in almost the same words as the latter, and they are identical in their objects in every respect. I admit, my Lords, that I must have been a party to this transaction; I admit, that the corporation in question was an ecclesiastical corporation, composed of persons, all or for the greater part Roman Catholic ecclesiastics, and that it was established for the Roman Catholic ecclesiastical objects, and no others. My Lords, there are, I am free to confess, many other transactions connected with this subject to which I might have been, nay, was a party, and which happened at a period later than that I have mentioned, which had also escaped my recollection. I was in the administration with my noble Friend (the Earl of Aberdeen), in 1834 and 1835, when he wrote and sent that despatch, which has been already quoted. In that despatch directed to Lord Amherst, allusion is made to a list of ninety-two grievances which had been brought forward in the Assembly of Lower Canada. The instructions referable to the point now before us were directed to the object of removing one of those grievances, and no man who was a party to those instructions could now say, I will not consent to the formations of this institution, on account of certain religious principles. No man could justly vary so in consequence of anything that has since passed. Therefore, my Lords, I cannot now stand on the ground which I stated to your Lordships the other night had caused me to object to this ordinance, having been a party to the despatch in question. Arrangements of the same kind have been made in Canada on previous occasions. The right rev. Prelate has spoken at some length on the enormity of the grant made to the seminary of St. Sulpice, which, he says at six per cent. would give a revenue of 30,000*l.* per annum. Now, I do not suppose it is necessary to remind him of anything contained in the volumes before me on this subject, but if he reads the proceedings of the commissioners he will see the revenue set down under various heads, opened. I cannot now find the place—referring to the volume,—but I beg the right rev. Prelate to observe that the ordinance provides for the disposal of the revenue and the expenditure to certain objects under the direction of the State. Public education and religious worship are amongst the objects to which it is to be applied. The right rev. Prelate will find that the expenditure is to take place under the control and sanction of Government, and the expenses to be incurred are nearly equal in amount to the revenues. Now that, I must say, is a complete answer to that part of his speech relating to the amount which the right rev. Prelate stated is placed under the control of the seminary. The expenditure is, in fact, to be under the control of Government. My Lords, another observation made a few nights since by the right rev. Prelate made a great impression—that relating to the disposal of this property to the Legislature of Lower Canada in composition for a Civil List. It appears the ordinance was passed in Canada some two or three months before the Act of Union was passed, and it may be a question whether that ordinance is law in Canada at this moment; for it is one which requires the sanction of her Majesty, which sanction has not yet been given. We shall, therefore, probably hear again of this transaction. The noble Lords opposite will have to examine this matter, and decide on a remedy for the inconvenience. It may be that the act of Parliament, disposing of the property to the legislative chambers, overrides the ordinance. I think, therefore, the right rev. Prelate might as well not put the House to the inconvenience of calling on us to vote. He might as well leave the ordinance to its own difficulties. Would he not do well to consider whether the subject may not be reconsidered, by leaving it thus to its difficulties without now pressing a division upon us? At all events, whatever course the right rev. Prelate may adopt, I certainly shall not vote in favour of his address. I entreated your Lordships, a few nights ago, when the subject of this ordinance was before us, to look carefully over the documents referred to by the right rev. Prelate, to consider his statements, and well weigh the subject before you voted on it. I asked your Lordships to do so, and I have done so myself. I have referred to the documents then alluded to, and to others which were not; but which perhaps, should have been mentioned, and to many of which I had lost all recollection. It is, therefore, my Lords, and on the conclusion at which I have thus arrived, that I feel called on to give my vote against the proposition of the right rev. Prelate, and I have deemed it proper to place before your Lordships the reasons that have determined me to adopt this course.

The Bishop of *Exeter* felt certain that he should obtain the indulgence of their Lordships, while he made a few observations, as, indeed, he was bound to do, in reply to what had fallen from noble Lords at both sides of the House. And first, with reference to what had fallen from the noble Person, who had last addressed them, and who on this, as on every occasion, was entitled to the first consideration. However he (the Bishop of Exeter) might be disappointed at the vote which the noble Duke had announced his intention to give, he should not utter the slightest complaint respecting it, or respecting the difference, as might strike himself or others between the noble Duke's declaration that night and his speech on the last occasion, when this subject was before their Lordships. Whenever that noble Duke addressed their Lordships, his mind was actuated only by the highest principle, and always, he was sure, intended to advise what was best for the good of his country. Most sincerely, and from his heart, did he say that. It was not in his power (who had the power?) to praise the noble Duke, but most readily and cheerfully did he express the sentiment which he had just uttered. His respect for the noble Duke should not, however, prevent him from remarking, that some of the positions laid down by the noble Duke were not quite correct. With regard to the revenues of the seminary, he (the Bishop of Exeter), had complained of an ordinance which placed 30,000*l.* a-year at the disposal of Popish ecclesiastics, being no less than four times the amount of their present income. The noble Duke said, the fact as to the increase of their revenues was not what he had stated, for that the expenses now incurred by the seminary were nearly equal to 30,000*l.* a-year. Now, the noble Duke referred for this information to the report of the commissioners. On turning, however, to that report (and it was Appendix No. 2, 5th Report of Commissioners), he found the whole amount was more than what the noble Duke stated; but then it was for five years, and not for one. The income for five years was given at 41,000*l.*, and the expenditure at 39,000*l.* From the general accuracy of the noble Duke in quoting documents, he was surprised at the representation which he had made with respect to the amount of expenditure of this body. He had been unwilling to remark on any inaccuracy of the noble Duke, but as this had a bearing on one of his strongest positions, namely, that they were arming with new and enormous power this Popish corporation (and he should continue to use that phrase, however it might offend the ears of the noble Marquess), he was bound to insist on the justness of his observation on this part of the subject.

Again, he had said, that there was an unexampled attempt made by this ordinance to establish an ecclesiastical corporation of Popish priests. In spite of all he had heard from the noble Duke and the noble Marquess (the Marquess of Normanby), he persisted in that assertion. And, however lightly the noble Duke and noble Marquess might treat the distinction which he drew—not on his own authority but from every legal book which treated of the subject—between a corporation and an ecclesiastical corporation, as shown, not in the persons, but in the purposes, of such a body, he was quite sure, that a noble and learned Lord, who had since retired, and the other noble and learned Lord, who was still present (Lord Langdale), however reluctant he might be to declare his opinion in that House, would, if the question arose in that court, over which he presided with so much dignity and honour, not shake his head in doubt of his position, but that if he shook his head at all, it would only be in astonishment, that such an assertion as he had made, could be doubted for a moment. The noble Duke had said, that he (the Bishop of Exeter) had sought to draw a distinction between the two documents, referring to St. Nicolet and St. Sulpice, whereas they were almost the same in purport, and nearly in the same words. Never had any statement astonished him more. He (the Bishop of Exeter) would be under the painful necessity of collating the two documents which the noble Duke said were so nearly alike in purport, and even in words. Now, to his mind, no two documents could be more distinct. The charter of incorporation of St. Nicolet, after referring to the petition of Joseph Plessis, was expressly stated to be for purposes of general education. The petition stated, that Latin, French, English, philosophy, mathematics, history, poetry, and rhetoric, were to be taught in the institution; but there was not a word about religion. The noble Duke said, that that institution was established for Roman Catholic purposes, but the petition of M. Plessis showed great dexterity in excluding every thing of the kind, and the charter was granted by the Government, of which the noble Duke was a Member, for purposes of general education, and not for Roman Catholic objects. But, in respect of St. Sulpice, the very first object mentioned was the cure of souls. Was not that an ecclesiastical object? Another was the spiritual care of the Iroquois, the Algonquins, and other tribes of Indians. Were not both these ecclesiastical objects? He wished to know whether it were possible to contradict more strongly the assertion (made, no doubt, from a too hasty perusal), that these two documents were precisely similar.

One part of the noble Duke's speech gave him great satisfaction—very great satisfaction. It was the assertion, that this question would not be settled by the vote of that night, but still remain to be considered. In consequence of that declaration, he should not ask their Lordships to divide. The noble Marquess laughed. Now he had not the slightest objection, however ridiculous it might appear to the noble Marquess (the Marquess of Normanby) to walk below that bar on a division, not, as he was sure, unattended—but if alone, with no sense of shame for himself, however, he might entertain that feeling as regarded others.

He would now turn to what had fallen from the noble Marquess. The noble Marquess had said the Roman Catholic Church in Canada was an established church. [Viscount *Melbourne:* The noble Earl opposite (the Earl of Ripon) said the same.] He was quite willing to admit that. But he should not be deterred by any declarations from either or both sides of the House, from giving his own opinion, and the authorities on which it was founded. The noble Marquess referred to the opinions of Lord North, on whom he was somewhat facetious. He had also indulged in some sneers at King George the 3rd. [*No, no, no!*] He might be mistaken, but he did think, that the noble Marquess asserted, that that Sovereign, whose name they all venerated and esteemed, had a peculiar facility in getting suddenly rid of his Ministers. That declaration, applied to one for whose pious and most estimable character, he (the Bishop of Exeter) had a special reverence, did strike him as something like a sneer. The noble Marquess also enlarged on the authority of Mr. Burke, and relied on it to prove, that the Church of Rome was established in Canada. Now he should refer, to prove the contrary, to no opinion given in a casual debate, not even to advised speaking; but against all the authorities quoted by the noble Marquess, he should produce an authority which the noble Marquess, he was sure, would not treat with disrespect. It was the authority of the noble Marquess himself—an authority which extended beyond him to all the noble Lords, who sat on the same bench with him, as well as to those who composed the Government of which the noble Earl of Ripon was Colonial Secretary; to all the noble Lords opposite, to all the Ministers, in fact, who had served the Crown, since 1775. It was a most authoritative document; for it was neither more nor less than the Royal Instructions given to every Governor-general, including Lord Sydenham, who had ever been sent to Canada. These instructions had been drawn up with the utmost care as containing matter of the utmost moment. They had been recognized by the 31st George 3rd. They said:—

> "Whereas the establishment of proper regulations on matters of ecclesiastical concern, is an object of very great importance, it will be your indispensable duty to take care, that no arrangements in regard thereto be made, but such as may give full satisfaction to our new subjects in every point to which they have a right to any indulgence on that head."

Now came the pinching part:—

> "Always remembering that it is a toleration of the free exercise of the religion of the Church of Rome only, to which they are entitled, but not to the powers and privileges of it as an established church, that being a preference which belongs only to the Protestant Church of England."

He heartily thanked the noble Marquess for enabling him to cite this document. The noble Marquess might quote jocosely or seriously the opinions of Lord North, Lord Chatham, or whomsoever he pleased, but still he affirmed, and he rejoiced in having so high authority for affirming, that according to what was recognized as a fundamental principle, the Church of England was the only Established Church in Canada. The noble Marquess thought, that the 34th article of the capitulation clearly established the right of the seminary, and had referred to it in spite of the advice of the Crown lawyers. In looking for what might be favourable to his view in that capitulation, he had overlooked what was unfavourable. The fact was, that the privilege had been asked for, but refused. [The Marquess of *Normanby*: Read the 32nd article.] He could only read one at a time. The 32nd article granted to the nuns the continuance of their privileges and of their property; the 33rd asked for similar concessions to St. Sulpice. He admitted, that the demands were the same, but the difference was, that whilst in the one case they were granted, in the other, the case of St. Sulpice, they were refused till the King's pleasure should be known. This was the purport of the 33rd article. The commissioners who were sent out to Canada, friendly as they were to the Seminary of St. Sulpice, nevertheless disposed of the 34th article, on which the noble Marquis relied by reference to the 33rd. The noble Marquess had quoted a communication of Lord Halifax, in 1764, to show that the English Court, was favourable to the grant made by St. Sulpice of Paris, to St. Sulpice at Montreal. Yet, what was this quotation made by a Colonial Secretary? On what authority did it rest? Was it drawn from the records of the Colonial-office? No. It was but the hearsay of a hearsay. It was a communication said to have been made to the Court of France in a despatch from their ambassador to England. The report of the commissioners gave the authority on which they referred to this supposed admission of Lord Halifax, namely, that of M. Quiblier, the Superior of the Seminary of St. Sulpice, speaking after some written paper communicated from Paris. This the noble Marquess had forgotten to state. The noble Marquess had referred to part of a protest of Sir C. Grey, in which he mentioned, that more than one Roman Catholic college had been erected into corporations. There might be a dozen. He was not now speaking of colleges. These were lay incorporations. The noble Viscount must see the distinction, if the noble Marquess closed his eyes to it. The noble Marquess had accused him of garbling the despatch of the noble Earl opposite, and stated that it appeared in only one newspaper. He had received an application from the reporter of *The Times*, requesting the use of the documents referred to by him in the course of his speech, and feeling the great importance of having all the information laid accurately before the public, he had readily forwarded them to him. But since the noble Marquess had made the assertion, he had received a letter from the gentleman who made that application to him, a part of which he should endeavour to read. [*A Laugh from the Marquess of* Normanby.] The noble Marquess laughed. He perceived that the noble Marquess did not give that authority to this note which he did. He (the Bishop of Exeter) had not the least doubt as to the accuracy of what this gentleman stated, and his entire confidence in his accuraay was not in the slightest degree affected by the laugh of the noble Marquess. The right rev. Prelate then read as follows—

> "Gallery of the House of Lords, March 15, 1841.
>
> "The reporter to *The Times*, who reported part of the Bishop of Exeter's speech in the last debate on the Seminary of St. Sulpice, begs to inform his Lordship that he has in his notes, taken at the time, the very words to which the Marquess of Normanby has taken exception this evening—viz., 'Such as holding a great commercial city upon a feudal tenure,' &c. The reporter to *The Times* will show the Bishop of Exeter his note book if his Lordship think fit."

[Cries of *Order !*] Their Lordships expressed their indignation at this breach of order; but was he the first to commit it? Did not the noble Marquess found his statement against him on the authority of reports of different newspapers? Now where was this virtuous indignation, this zeal for the maintenance of order, when the noble Marquess thought fit to refer to these reports, for the purpose of charging him with disingenuousness? Noble Lords were then all silence.

The Earl of *Suffolk*—I rise to order. The right rev. Prelate has no right to read a letter from a person admitted, and very properly, by courtesy, into the Gallery of this House; and then to found a lecture upon it. Really, this is quite out of order.

The Bishop of *Exeter* admitted that this was a violation of order, but it was rendered necessary by the noble Marquess's previous violation of order.

The noble Marquess had made some remarks on what he had said in respect to the noble Marquess having called the Roman Catholic Bishop "the Bishop of Quebec." Lord Bathurst called him the "Bishop of the Roman Catholic Church of Quebec." The noble Marquess knew very well, that the title of "Bishop of Quebec," implied a jurisdiction, whilst that of "Bishop of the Roman Catholic Church of Quebec," which had been given by Lord Bathurst, implied no jurisdiction at all. To give such jurisdiction to a Roman Catholic was at variance with the 1st of Elizabeth, and he was quite certain, that Lord Bathurst would have avoided such a mistake. The demand in the sixth article of the capitulation of Quebec, it was true, mentioned the Bishop of Quebec, but the answer to that demand did not recognize him or his office permanently. But before Quebec was surrendered at the peace, he was unquestionably Bishop of Quebec, and he continued to be styled so to the end of his life, for he died within a few months after the capitulation, and before the definitive treaty of peace. The 6th article demanded safe-guard to religious houses, and particularly for the bishop, who should be permitted to perform all his functions. The concession given was, that he should exercise freely the functions of his office as he thought proper till the possession of Canada should be decided by a treaty. He thought the noble Marquess would agree with him, that this was no recognition of the Bishop of Quebec, as itwas only *sub modo* and for a time, till the definitive treaty of peace which put an end to it by saying that—

> "His Britannic Majesty, on his side, agrees to grant the liberty of the Catholic religion to the inhabitants of Canada; he will consequently give the most effectual orders that his new Roman Catholic subjects may profess the worship of their religion, according to the rites of the Romish Church, as far as the laws of Great Britain permit."

And yet they were told that night, over and over again, that the laws of Great Britain were not to operate so as to affect the entire right of the Roman Catholics to claim for their religion all the privileges of an established religion. According to the treaties, and according to every act of Parliament that had passed subsequently, the Roman Catholics of Canada were to enjoy the free exercise of their religion, only so far as the laws of England permit. He would not trespass longer on their attention. He repeated, that however indifferent he should feel to walk out alone below the bar, he yet sincerely rejoiced, that what the noble Duke had said would enable him not to take that course, and that if this address should not be carried, the question would be left for re-consideration, which he presumed, meant in the province.

The Duke of *Wellington* said, he certainly did not state exactly that. His argument for what he stated, as an argument, might be a very bad one. He might be quite mistaken. What he said was, that it might be found, that this ordinance was not the law in Canada at this moment; and that if it were not the law in Canada at this moment, and if it were not the law in Canada before the act of Parliament of last year established the union of the provinces, it might be found, that the act of Parliament over-rode the ordinance. If it should over-ride the ordinance, the noble Lord might find a remedy, and possibly the right rev. Prelate might find it convenient to leave the question with all these difficulties surrounding it between the passing of the ordinance and the act of Parliament, and not put the House to the inconvenience of a division.

The Bishop of *Exeter* said, the noble Duke might be quite right, that it might not be desirable to press this subject to a division. He understood the noble Duke to express a doubt, because it was possible that it might be found, that the ordinance was either contrary to the act of Parliament which authorized the Governor with the Special Council to pass it, or that it was inconsistent with the union. He was quite sure, that that was the best way in which it could be left; and he was quite sure, that the noble Lords near him would enter on its consideration with that view. [*No, no!*] The noble Lords near him would not reconsider this, whether law or not. They were only asked, if they found, that this ordinance was not valid, because contrary to law, to take means to remedy it, and they said, "no, no;" but if it so turned out they would be obliged, he suspected, to remedy it.

The Marquess of *Normanby*: I am really very sorry to deprive the right rev. Prelate of any consolation which he can draw from the words of the noble Duke, but I must repeat, that all the circumstances bearing on this ordinance were submitted to the law officers of the Crown after the passing of the Act of Union, and they are decidedly in favour of the legality of the ordinance. I will just ask one question of the right rev. Prelate. He has alluded to a notice said to have been taken by me, somewhat after the manner of Lord Bathurst's despatch to the Earl of Dalhousie, of the Roman Catholic Bishop of Quebec. I wish to know, for my own satisfaction, on what document he founds his assertion?

The Bishop of *Exeter*: If the noble Marquess had told me, that he required proof of the fact, I should be prepared with it. He had not the paper now with him. It was a return of the Colonial-office when the noble Marquess was Colonial Secretary, and was a statement made of the ecclesiastical establishments in Canada, in which a sum of 2,000*l.* was set down for the Roman Catholic bishop, under the title of "bishop of Quebec." That is my authority.

The Marquess of *Normanby*: So, then, this signal proof of my recognition of the Church of Rome as an established religion is not conveyed in any letter to a Governor of the colonies—is not even my own individual act, but a return made in my official character to this House, and not only by me, but by my predecessor and successor.

The Bishop of *Exeter* said, that he must really try to set the noble Marquess right; he had totally misunderstood the facts of the case. Instead of this return being one that was regularly laid upon the Table, he believed, that it was never produced until specially moved for in the year 1839.

The Marquess of *Normanby* said that all he could say was, that the expression in question was the same as was used in all similar returns which he had seen. He could not undertake to say how far they went back.

Motion negatived.

Adjourned.

HOUSE OF COMMONS,

Monday, March 15, 1841.

MINUTES.] Bill. Read a first time:—Sewers.

Petitions presented. By Mr. Easthope, Mr. Hume, Mr. Baines, Mr. B. Wood, and others, from Geddington, Northamptonshire, Alfreston, Sussex, Eye, Devonshire, Portsmouth, and a great many other places, for the Abolition of Church Rates, and the Release of Mr. Baines.—By Sir B. Hall, Mr. W. Duncombe, Mr. T. Parker, Sir E. Wilmot, and others, from Mary-le-bone, Adlington, Cowick Unions, in Yorkshire, and other places, against the New Poor-law Amendment Act.—By Mr. Sheppard, Mr. C. Berkeley, Lord G. Somerset, and others, from Frome, Cheltenham, Pontypool, and other places, against, and by Mr. Hume, from Bridgenorth, in favour of the Medical Profession Bill.—By Mr. Scholefield, from Birmingham, and by Mr. Divett, from the Town Council of Newport, in favour of the Jews Declaration Bill.—By Mr. Oswald, from Glasgow, and other parts of Scotland, and by Mr. R. Steuart, from places in the counties of Haddington, and Kincardine, against Church Patronage.—By Mr. T. Duncombe, from inhabitants of Nottingham, for the Liberation of Frost, Williams, and Jones; and from inhabitants of Dublin, for the Liberation of all Prisoners for Political Offences.—By Mr. Hume, from inhabitants of Middlesex, against Plurality of Votes in Vestries; and from Socialists of Battersea, for an Investigation.—By Mr. M. J. O'Connell, from a Town in Kerry, in favour of Lord Morpeth's Parliamentary Voters Bill.—By Sir J. Graham, from a parish in Roscommon, in favour of Lord Stanley's Registration Bill.—By Colonel Sibthorp, from a parish in Lincolnshire, for Church Extension.—By Mr. Denison, from Farnham, against the Employment of Troops in connexion with Idolatrous Worship in India.—By Sir John Seale, from Dartmouth, in favour of the Government plan with regard to the West-India Mails.—By Sir John Campbell, from the Town-council of Edinburgh, for a Bill for the Registration of Births, Deaths, and Marriages in Scotland.

THE GREEN PARK.] Mr. *Wakley* said, that several paragraphs had lately appeared in the public journals, as to the intention of the Commissioners of the Woods and Forests to plant the Green Park, and to encroach considerably on the privileges which the public now enjoyed there; he wished, therefore, to ask the hon. Gentleman, the Secretary to the Treasury, whether there was any just foundation for any or all of those paragraphs.

Mr. *Edward J. Stanley* said, that almost all the statements which had appeared in the public journals were incorrect; there was no intention on the part of the Commissioners of Woods and Forests, to exclude the public from any portion of the Park to which they had hitherto had access. There was no intention to shut it up for planting, or to erect entrance-lodges, and close it at night. The works going on at present were solely for the purpose of draining, and of sowing the Park with grass seeds; and, of course, till thase seeds sprung up, it would be necess ry to have some temporary fences.

SOUTH AUSTRALIA.] The House in Committee on the South Australian Acts.

Lord *John Russell* rose to move the resolution of which he had given notice,

> "That it is the opinion of this committee, that her Majesty be authorized, by an act of the present Session of Parliament, to guarantee a loan, not exceeding 210,000*l*., to be contracted for by the commissioners for South Australia, and that provision be made out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, for the payment from time to time of such sums of money as may become payable under such guarantee."

The committee which had been appointed upon this colony, differing, the noble Lord said, upon the one point, whether they, as a committee, should give any opinion to the House upon the subject, were at the same time agreed, that if it were the intention of her Majesty's Government to propose such a loan, no delay ought to be permitted in bringing the question before the House. And with regard to responsibility, the Government had already undertaken, that, in bringing the state of the colony under the notice of the House, the steps which had been taken by the Secretary of State last autumn, in conjunction with the Treasury, and the course adopted by the commissioners on their suggestion, had shown what was the opinion of the Government, and he could have no hesitation, upon the responsibility of the Government, in now bringing forward this resolution. But as the committee, in agreeing to certain resolutions which had been presented to the House, had recommended that, in addition to the liabilities already incurred being charged on the state, there should be a sum of 56,000*l.* allowed for emigration, he thought it necessary, when making a proposition to the House on the subject, to make also a statement with regard to the colony of South Australia. The colony of South Australia was founded upon two Acts of Parliament, and upon two Acts of Parliament, containing provisions differing in several most material details from what Parliament had provided with respect to other colonies. Generally speaking, our colonies were founded upon one of two species of government; they were founded either upon local government, consisting of a representative assembly, or in some form or another of the inhabitants of the colony, who directed the taxes, and the affairs generally of the colony, in some measure under the Crown; or the colony was more directly under the Crown, either by means of a governor appointed immediately by the Crown, and governing in its name. The government of the colony of South Australia was of a totally different nature. It was neither a government wholly in the hands of persons resident within it, nor wholly under the control and direction of the Crown itself. The first act of Parliament specified, that certain commissioners were to be appointed by the Crown, but when once they were appointed, there was a direction, by the 18th section of the act, that the whole of the expenses of the Government of the colony should be defrayed under the direction of these commissioners. This was an act proposed, in the first instance, by some Members of Parliament, and by other persons out of Parliament. The act contained other provisions with respect to emigration, and to the sale of lands for the purpose of promoting the emigration. From the first it seemed that there had been considerable difficulty as to the interpretation of the act, and as to the mode in which the Government should be conducted. Lord Aberdeen had asked the law officers of the Crown whether the commissioners were to be considered as responsible to the Treasury generally for the expenses which they incurred or sanctioned, and the law officers made a reply, referring to certain details into which he need not then enter. At a later period, the law officers were asked, on the part of the Crown, whether or no the Treasury and the Secretary of State were to be considered as directing the expenditure of this colony, and the reply of the law officers of the Crown was, that the whole of these matters were in the hands of the commissioners. From this time, as he conceived, it became perfectly impracticable for the Secretary of State or for the Treasury to conduct the affairs of the colony. Therefore it was, that Lord Glenelg had deferred to the opinion of the Commissioners in all matters respecting the Government. Their opinion was taken as to the governor, and in every instance the opinion of the commissioners was embodied in the orders given to the colony. But there were other difficulties in the colony. There was, according to the first act, a governor, and also a resident commissioner for the sale of Crown lands, and these two persons differed as to the extent and nature of their respective authorities. There was also a dispute between the governor and the first settlers, the governor thinking that he ought to exercise a certain degree of authority, which the settlers were not disposed to admit. The consequence was, that, after a certain period, Lord Glenelg and the commissioners agreed that Captain Hindmarsh could not carry on the Government in a manner that would be useful to the colony or to this country. He was, therefore, recalled. He was succeeded by Colonel Gawler, who, upon his arrival, wrote home a despatch, which showed that the affairs of the colony, and that the finances, were in a very bad condition. It seemed to the commissioners at that time, that this state of affairs might be remedied, and that Colonel Gawler might be able to put the colony into a good condition. But in the course of the last year, and not long after the new commissioners were appointed, there arrived from the colony accounts of an expenditure far exceeding the revenue of the colony. It at first appeared, that instead of the expenditure being according to the revenue, 20,000*l.* or 30,000*l.* a-year, it rose to the rate of 80,000*l.* or 90,000*l.*, and afterwards to the enormous expenditure of 130,000*l.* for a year. In July last, the commissioners ascertained such to be the state of affairs, and on representing it to him (Lord John Russell), he said immediately that this rate of expenditure must be stopped, that the governor must be called to account for it, and that, as the colony had been founded by acts of Parliament, he would immediately, at the commencement of the next Session of Parliament, move for the appointment of a committee to examine into the whole question of what ought to be done with respect to the colony. In the month of October, after further reports from the commissioners, and representations of their total inability to pay the bills which were drawn from the colony, he requested the attention of the Treasury to the subject, and they appointed one of the Lords of the Treasury to make a report to them with regard to the financial affairs of the colony. A report was made, and the opinion of the Treasury, as well as his own opinion, was, that in the existing state of affairs of the colony, it was necessary, if the colony were to be preserved, that Government should state to the parties who were willing to lend their money on security, that her Majesty's Ministers would undertake to propose to Parliament to guarantee the loan. The effect of that declaration did not produce a loan to the colony, but it did quiet the alarm which at the moment prevailed, and induced parties to withhold demands for payment of the bills for expenses that had been incurred till the meeting of Parliament. At the meeting of Parliament, as this was a subject exceedingly complicated in its nature, and as Parliament itself, by its own acts had regulated the colony, he thought it was much better that a committee should be appointed, of which the several Members might make themselves masters of the whole transaction, than that he should endeavour to explain the whole of the affairs of the colony to the House, and ask the House to adopt his opinion, because, in that case, it had appeared to him that a demand for inquiry was certain to be made, which, as it was reasonable, it would not be possible to resist. He had now no hesitation in stating in what respect he thought the acts relating to South Australia were defective—in what respects they had contributed to the present state of affairs in the colony, and what was the general course by which Parliament should be guided—without saying what particular provisions should be made in legislating for the future government of this colony. The acts relating to South Australia were, as he conceived, founded on two general principles; one of them appeared to him to be an exceedingly sound and useful principle—a principle which had been acted upon before to a certain degree, and which had been acted upon since to a much larger extent, viz. the principle that uncultivated public lands in a colony instead of being, as in former times, granted in very large proportions to individuals, without the means of cultivating them, should be sold at a certain price, and the produce thus obtained should be employed in sending labourers to the colony. He believed that this was a sound principle, because, on the one hand, it supplied capital to the colony by inducing those who had capital to lay it out in buying lands in the colony; whilst on the other hand, it supplied to the colonies labour from the money paid for the purchase of land; and thus both capital and labour were brought forward to aid in the progress of a new colony. So far as this principle was embodied in the South Australian Acts, he conceived that Parliament acted wisely in enacting it. But it occurred to him that at the same time they had adopted another principle that was far more doubtful, which might succeed in certain instances, but which it was not probable could be carried out satisfactorily in most colonies. That principle was, that the colony should be what was called "a self-supporting colony;" that is, that the whole of the expenses of its administration, of its judicial system and otherwise, incurred in its management, should be defrayed by the colony at once, without any demand being made upon the mother country. It was proposed that this should be done by two modes, at first out of the revenues of the colony alone; and in the next place, by the aid of a loan upon the emigration fund; namely, the fund that would be derived from the sale of the lands in the colony. Now he did not think that it was probable a revenue could be raised in the colony itself, at its very commencement, which should be adequate to defraying all those expenses to which a new colony was naturally subject. There were certain expenses in a small colony which must necessarily be as heavy as in one much larger. For instance, the salaries of the officers and of the persons administering justice must be equally paid in both; and a colony at its first foundation could scarcely be able to defray all these. In the second bill there was a provision that certain loans might be made upon the faith of the emigration fund, with a proviso that at the end of a year not more than one-third of the whole sums received from the sale of land should be owing from the revenue fund to the emigration fund. The obvious consequence of that was, that the colony was to be, in a great degree, supported by loans. The intention was, that, although at certain times such loans were to be paid, yet there were to be large sums constantly borrowed, which were to defray the ordinary expenses of the colony. Now, there were many ways in which such a provision might be altogether defeated or attended with dangerous results. In the first place, if there were to be certain sums derived from the revenues of the colony, and certain other sums from a vote of Parliament, and if the expenses of the government of the colony were to be confined to those sums, the Treasury would take very good care that there was no very great excess, and so long the country would have security that the funds were properly managed. But when once they said that a colony should be made to flourish by artificial means, that it should exist upon borrowed money—and when they made it a part of this system to give the whole control of the expenditure to certain commissioners, setting aside the Secretary of State, and, above all, setting aside the control of the Treasury—they did give encouragement for needless expenditure, and for the adoption of rules for the immediate support of the colony by a large supply of money, by which the permanent interests of the colony would be sacrificed. Secondly, the plan went on the supposition that there would be an almost inexhaustible supply of land, fit to be cultivated, that could be sold. If they found that the sales of land went on regularly year by year, the loans might be repaid; but they could not be certain in such a colony as South Australia, where the land had been laid out within geographical limits, that they would continue to find fertile land, or it might not be sold for other reasons; and then having contracted the debt, the colony might be unable to repay the proportion to the fund. In the third place, there might be other difficulties that would overtake the colony; they might come from a foreign enemy, or from the elements; for instance, the harbour might be greatly injured by a storm, and great expense might be rendered necessary, and the colony might by those means become embarrassed. In short, he thought that there were various means by which a colony which was dealt with on the principle of not asking for any support from Parliament, and of not being under the control of the Treasury, might fail as he had stated, be deprived of credit, and fall into exceeding embarrassment. With regard to South Australia—without saying how far Colonel Gawler had been to blame, for he had as yet really given no reason for the extraordinary outlay—he could not but think, that the governor had yielded in a great degree to the temptation that had been thrown in his way by the South Australian Act. Besides, there was in the second act a provision which was in itself either very dangerous or totally impracticable. There were to be loans on the emigration fund, but at the end of the year they were to be repaid to a certain amount. Now one of two things might happen; in the one case, the commissioners having borrowed the full amount of money allowed on the faith of the emigration fund, might, if their credit were good, go on making fresh loans, and incurring a great amount of debt, on the fallacious assumption that there might be means of repayment; and in the other case, it might happen, as it did last autumn, that the commissioners might find that they were totally unable to comply with the provisions of the act, because they might have to pay away large sums of money for emigration and for other purposes. They must even go into the market on their own credit to borrow fresh sums, and would fail. Parties having money to lend would look to the present state of the revenue, and could it be expected when they saw an expenditure of 100,000*l.* a-year, with a revenue of only 20,000*l.*, that they would be very willing to lend their money? or they would, in the next place, inquire into the future resources of the colony, and it might turn out that there was no more fertile land to be permanently sold, so as to give no assurance of affording further money, and it might therefore be found totally impossible for the commissioners to comply with such an Act of Parliament. He had now stated the manner in which, as he thought, the embarrassments of South Australia had arisen; and without saying at that moment, and whilst the committee were still sitting, how much the Government, or how much the Secretary of State, or how much the commissioners were severally to blame in the different parts of these proceedings, he had still given his reasons for thinking that these embarrassments of South Australia were naturally derived from the Acts of Parliament on which that colony was founded. It was to him a matter of regret, that what he considered an entirely sound principle, that the sale of the crown lands at a certain sum, and the application of the sums arising from these sales—either in the whole or in part, to the purposes of immigration—he did regret very much that so sound a principle should have been mixed up in these acts with other provisions which were very objectionable, and which had led to the present ruinous state of the financial affairs of this colony. But when he stated this with regard to the monetary affairs of the colony, and while he could not state, that in the present limited resources of the colony it would be able to pay the outstanding bills and liabilities, yet he believed that upon the whole it was a colony which, even at the present period, contained within itself very considerable resources, with a great display of industry, and with a considerable appearance of exertion; and he was convinced that if it were supported by Parliament, it would be able to get through the difficulties which had now arisen. At the same time, he did not think that Parliament ought to agree to the continuance of the present system. He had very great doubts whether they ought to raise any money for the purposes which the committee approved of—56,000*l.*, which it was proposed should be applied to emigration. However, the committee had adopted that course, and his doubt was rather whether it were not better to go into the whole inquiry as to what was preferable to adopt, than to propose such an effort now. But it was his opinion that they ought, at all events, by an Act of Parliament, to relieve the commissioners from the difficulty of being obliged to repay to the emigration fund the money already borrowed; for unless they were relieved from this duty by Act of Parliament, the commissioners would feel that they were bound by the present Act of Parliament to repay the loan which had been borrowed on the emigration fund: and he, therefore, thought that in voting the sum of 56,000*l.* for the purposes of emigration, they ought to repeal that provision of the existing act. In proposing that they should relieve the colony from its present financial embarrassments, it was not perhaps necessary that he should state his opinions as to the manner in which the colony should be in future governed; but he had no hesitation in stating, that he thought the principles of Government which were applied to the other colonies should be applied to the colony of South Australia. That making what provisions they thought proper with respect to the sale of land and the application of the money derived therefrom, the provisions which placed the government of the colony in the hands of commissioners, and directed that the whole of the expenses of the colony should be defrayed by their orders, and not by the Treasury, should be repealed, so as to bring the colony into the same state as other colonies with regard to its government. That if the Crown was to do anything for the colony, the responsible ministers of the Crown should have a more direct control; that the governor appointed by the Crown should correspond, not with the commissioners, but with the Secretary of State and the Government; and with respect to the financial question, that when the governor should write home, his application should be referred to the Treasury, and that their opinion, as well as that of the Secretary of State, should be taken before the directions of the Government were sent out. For himself, he could see no good, indeed he could see nothing but mischief, in that anomalous kind of government in which the Crown having a nominal direction, yet, in fact, left everything to the commissioners, whilst the commissioners felt bound by the Act of Parliament, so that neither could be considered as responsible. If the committee thought it proper that the colony of South Australia should govern itself, and that the persons there should have a representative constitution, although he confessed that that was not his opinion, he should feel no insuperable objection to it. He should feel, that it would in time, though perhaps not until after a considerable time had elapsed, struggle through its difficulties, and obtain considerable prosperity. Let this course be taken, or let that which he had proposed be adopted, but let them not any longer continue this third course, which had been most embarrassing to the Secretary of State, which had led the Government and the commissioners into a series of measures which he thought highly unadvisable, and which were entirely at variance with those principles upon which a colonial government was usually conducted. He trusted that the committee, and that Parliament, would think it right that they should extricate the colony from its present difficulties.

Lord *Stanley* said, that the noble Lord who had just sat down had correctly stated that, in the committee which had been appointed to inquire into the original causes of the present situation of South Australia, although considerable difficulty might exist as to the propriety of the advance of money, there was very little doubt upon one point — namely, that whatever steps it was deemed advisable should be taken, ought to be made known, and the intentions of Parliament ascertained with the least possible delay. The noble Lord, in the observations which he had made, had dwelt, he thought, with undue weight upon the opinion of the committee, because, before the time at which that committee was appointed, he had felt, and he had expressed his opinion, that the subject was one which was not properly referred to the consideration of a committee, but that the responsibility of providing for the immediate relief of the financial embarrassments of the colony, and in bringing forward a plan for the alteration of the system on which the colonial government was carried on, rested with the Government. And on this point so strongly did the committee feel, that although their report proposed to recognise the advance of money, in the terms which were specified in their resolution, yet the resolution, as it was eventually completed, was one which placed the whole responsibility of this proceeding in the hands of the Government; and that resolution was carried, not only by no large majority, but actually by the casting vote of the chairman alone, who was a member of the Government, two other members of the Government, who were in the committee, voting in favour of the same recommendation. There was something more also in the proceedings of the committee worthy of note, with reference to the share of the responsibility which the Government seemed disposed to take upon itself. The noble Lord said that he entertained great doubts himself whether he should agree to the recommendation of the committee, that the sum of 56,000*l.* should be made good; but he said that he had had the recommendation of the committee, and he appeared to rest upon the responsibility of that committee, by which the recommendation had been made. Now, rather a singular scene took place in the committee. He had expressed an opinion that it was proper that no recommendation should be made, but that the Government should take its own course for relieving the embarrassments of the colony; and having given that opinion, he felt that he was not bound to offer any expression of his views whether 150,000*l.* or 200,000*l.* should be the amount of the assistance which should be given; and most of those who agreed with him, agreed also in abstaining from saying what the amount should be. But there were two hon. Members who voted in favour of making a specific recommendation that an advance of money should take place, stating also that the responsibility rested with the Government; so that, at the same time that they advised an advance, they thought all else should be left to the Government to decide; and it was remarkable that they were themselves members of the Government, who were sent to the committee for the purpose of leading it, and stating the views which the Government entertained upon the subject. When the noble Lord had proposed the appointment of the committee, he said that in assenting to it, the colony having been originally founded by an act of Parliament under peculiar circumstances, he could not but say, that he entertained a strong opinion that it was not the duty of the Government to throw the question loosely before the committee, but that going down to Parliament on their own responsibility, they ought to recommend the course to be taken, and afterwards they should refer that course to the committee for the purpose of obtaining information, and making a full investigation upon the subject. But he remained of the opinion still that, notwithstanding the appointment of the committee, it was still the duty of the Government to come down to Parliament not only with a proposal for relieving the embarrassments of the colony, but with a statement of their views, and a proposal to carry those views into effect, as to the alterations which their experience suggested to them were necessary to be made in the constitution of the colony. The noble Lord had, to a certain extent, done so, and he should do him injustice if he did not admit that, in the majority of his propositions, he fully concurred. He concurred with him in what he had said as to the many evils of the original constitution of the colony, and in much that he had said in tracing the causes of the existing distress in the colony, as well as in the belief that, under certain limitations, the plan of devoting the proceeds of land sales to the purposes of emigration was a good one. He also concurred with him as to the condition to which he had referred, for it was that upon which the colony was originally formed—he meant the self-supporting system. He had always been of opinion, that it was impossible to act upon that system; that it was impossible that a colony at the commencement of its existence should bear its own expences; and that the success of an undertaking founded upon such a principle must be hazardous in the extreme. He must take leave to say, that the original act upon which the colony was established was introduced most hastily, and with very little due consideration of many of the most important points which required to be well weighed by Parliament. The noble Lord had adverted to one point—to the inconvenience experienced by reason of the constitution of the colony—from its being neither a chartered colony nor a Crown colony, from which circumstance the authority and the responsibility were alike divided; and in the censure which the noble Lord had expressed upon that subject he entirely concurred. He had recorded his opinion upon this point, in a letter which was written by Mr. Lefevre to Mr. Whitmore in March, 1834:—

> "He perceives also that, as the proposed charter is framed, the whole active legislative power over the colony is to be taken from the Crown, and is to be placed in the hands of commissioners, not (except in the first instance) selected by the Crown—not removable, except for positive misconduct or neglect—not responsible either to the colonists or the Government at home for the measures which they may propose, and not personally interested in the success of the undertaking which they are to conduct. On the other hand, the Secretary of State for the Colonial Department, who will be unable to carry into effect any measure whatever, however essential he may consider it to the welfare of the colony, will still have the task of checking and controlling the proceedings of this new legislative body, and will therefore be subject to the responsibility of the failure of the experiment, without being able to

contribute to its success. Unless this important feature of the proposed charter is abandoned, unless the government of the colony is to be left in the hands of the Crown and its constitutional advisers until it is able to govern itself —unless, in fact, the provisional committee of the association find themselves able to assimilate in a much greater degree their project to that which I have above sketched out as meeting Mr. Stanley's views, Mr. Stanley will be under the necessity of declining to proceed any further in this negotiation with the South Australian Association; a course which, the intrinsic merits of their plan, considered as a means of facilitating emigration, and the respect which he entertains for the distinguished individuals composing the committee, would lead him sincerely to regret. I am further to add, that, in the event of the association ultimately deciding to treat for the purchase of a tract of land upon the terms above suggested by Mr. Stanley, Mr. Stanley would not object to the following stipulations being made in their favour, namely, that the minimum price at which the Crown should sell any additional land to individuals, should be somewhat higher than that at which the company should have purchased it; and that a considerable part of the purchase-money of such additional land should be expended in promoting emigration upon such principles as might be hereafter agreed on by the association and her Majesty's Government."

Some modifications were then proposed, and further negotiations took place in the month of April; but they went no further on either side than a general statement of the principles upon which the measure proposed was to be founded. He quitted office in May, and almost the very day afterwards his successor was pressed to adopt the measure which had been proposed. So rapidly did his successor bring forward that measure, that in two months after he had acceded to office it had passed through both Houses of Parliament, with a declaration from the hon. Gentleman, that he had given his assent to the bill, without at all referring to the fitness of the site selected however, although that had been the very first point which he (Lord Stanley) had marked out to be ascertained and decided upon before he would enter into any further nogotiations at all. There was no question, that where one spoke of legislative power and governing power, the governing power would rest with the body which exercised authority by means of the expenditure of the finance, and it was impossible to suppose, that a Government not entrusted with the expenditure of the finance would not feel itself cramped and controlled in its proceedings. This was the very evil which was found to have arisen, and which he had anticipated, and without the removal of which he had declared, that he could not consent to the establishment of the colony. The result had only been the natural consequence of the establishment of a colony which had commenced on the principle of loans, which had continued on a system of credit, whose prosperity had been fictitious, and now the bubble was burst and the full mischief which had been created had been discovered. He did not wish to enter into details, but when they saw, that at the expiration of four years from the commencement of a colony there was an expenditure of 140,000*l.* per annum, the revenue of the colony not being more than 20,000*l.*; that the government-house had been built at an expence of 24,000*l.* on sanctioned authority, that 22,000*l.* had been laid out in the formation of a road across a swamp, for the purpose of improving a harbour, originally badly chosen; that lands bought for 12*s.* an acre were sold in the hardly created town of Adelaide for 500*l.* 1,000*l.*, or 1,500*l.* an acre, a price which he wonld venture to say would hardly have been obtained in Liverpool itself for any large quantity amounting to an acre; that there had been established three banks, carrying on business, and issuing their own paper; that labour had reached the price of from 6*s.* to 12*s.* per day; that a body of police was established, paid at the rate of 1*l.* 19*s.* per week each man, who complained of the inadequacy of their wages, because they were unable to procure their white trousers and gloves to be washed for it—all of which showed a disposition to transfer all the comforts and luxuries of the civilised world to a barely formed colony at the antipodes, and they could not be surprised at what had occurred. What, he asked, was the consequence of all this? That there were not two hundred acres of land in the colony actually under tillage for the support of the colony; and instead of the first colonists who went out attempting to cultivate the land, they suffered themselves to be supplied with flour sent from England to New South Wales, and then imported from other colonies at an enormous price, and that the whole of the colonists directed their attention to land jobbing and speculation, and that a profligate waste of money had taken place, in a manner utterly inconsistent with the success of the colony. The noble Lord had referred to giving the produce of the land sales for the purposes of emigration. He (Lord Stanley) assented to that principle, but he supported the principle of fixing a price for land—not a uniform price, but a minimum price. He thought that the facilities given to colonists in obtaining land in many of our colonies had produced an excellent effect on the people resorting to them. He thought that the principle upon which those facilities were founded was one to which it was exceedingly desirable to adhere, but that there should not be a uniform price at which the land should be purchased, and that a fair minimum price should be determined upon, so that some competition might take place, and a fair price obtained, and he thought this advisable on more grounds than one. It had not unfrequently happened that land had been sold at 20*s.* an acre for want of competition, when on the same day as much as 30*s.* or 40*s.* might be obtained; and this he looked upon as throwing away the money which ought to be collected for the support of the colony. But there was a gross and crying evil committed upon the first settlers, if proper precautions were not taken, and if the land was not properly allotted out. A survey ought to take place, the expenses of which should be charged upon the land fund, and the proceeds applicable to the purposes of emigration should be the net produce of the sales, and not the gross produce, without any deductions being made from it; because it was clear that the expense of the survey was one which was incurred for the purpose of creating that value for the land, without which, in fact, it was not marketable at all. In the case of the colony of South Australia there had been no survey, and the result had been that, instead of the settlers directing their attention to the cultivation of the soil, they turned to land-jobbing and speculation. The noble Lord had stated his intention, without reference to the recommendation which the committee had made, to bring forward his own measure for the alteration of the acts relating to South Australia in those respects in which he considered that they were deficient. Amongst others, the noble Lord had very properly adverted to the monstrous proviso contained in the third clause of the second act, whereby the principle of the original act was departed from, and power given to borrow from the emigration fund for the purposes of the colony.

"Provided always, that the amount advanced from the said emigration fund, in aid of the revenues of the colony, together with the debt which may have been due to the said emigration fund at the commencement of any year, shall not at the close of any such year exceed one-third of the amount which may have accrued to the said emigration fund in the course of such year."

The fifth clause provided:—

"And whereas, it is in and by the said Act provided, that in case the commissioners should be unable to raise, by the issue of colonial revenue securities, the whole of the sum of 200,000*l.* therein mentioned, or that the ordinary revenue of the said province should be insufficient to discharge the obligations of all or any of the said securities, the public lands of the said province then remaining unsold, and the moneys to be obtained by the sale thereof, should be deemed a collateral security for payment of the principal and interest of the said colonial debt, but no moneys obtained by the sales of public lands were to be employed in defraying the principal or interest of the said colonial debt, so long as any obligation created by the public land securities in the said act mentioned should remain undischarged. And whereas, the commissioners have raised the sum of ———— by issue of colonial revenue securities, but the said commissioners have not issued any South Australian public land securities: And whereas, the ordinary revenue of the said colony hath been from the first issue of the said colonial revenue securities, and still is, insufficient to pay the interest thereon, or on any part thereof; be it, therefore, enacted, that it shall and may be lawful for the said commissioners, by any order or orders signed by them, or any two of them, to direct their treasurer or treasurers to apply so much of the moneys received or to be received, as and for the proceeds of the sales of public lands in the said province as may be necessary in payment and discharge of all or any part of the principal due and owing, and of the interest accrued and to accrue, upon the colonial revenue securities issued or to be issued by them, and so from time to time. Provided always, that in case the said commissioners shall hereafter issue any of the South Australian public land securities in the said act mentioned, then and in such case it shall not be lawful for the said commissioners to issue any such order as hereinbefore mentioned till such South Australian public land securities have been paid off and discharged: Provided also, that the sums so paid in pursuance of any such order shall constitute a colonial debt owing by the said province to the said commissioners as in the said act mentioned."

The consequence of the system which

had arisen under these provisions, and of the temptations held out, had been unlimited credit, followed by unlimited expenses, and terminated, he might almost say, by unlimited bankruptcy now. With regard to the general prospects which presented themselves, he entirely concurred with the noble Lord, but he thought, that before he called on the House to vote the large sum of money which he proposed to give without any security for its repayment, or any prospect of the payment of the interest, he should embody his views in a measure which should be submitted to the consideration of the House, and which should contain the proposition which he said he would bring forward. He did not know whether it were in the contemplation of the noble Lord, that on this resolution being passed by the committee, in ignorance of the real state of the colony on the part of the great majority of those hon. Gentlemen to whom he addressed himself, because it was impossible that they could have yet read the documents which had been produced last Saturday, as well as the four annual reports, the commissioners should go into the market, and raise the necessary loans on the supposed guarantee of Parliament. Much as he desired that the present difficulties in which the colony was placed should be relieved, he did not think the House could be called upon now to pass those resolutions, if this were to be the result. Was it in fact to be an absolute grant of money out of the consolidated fund, or was the security of the consolidated fund to be introduced as a collateral security to the revenues and land fund of the province, and were the revenues and land fund to be made primarily liable to the amount of the loan and interest upon it? On that point, he thought that the noble Lord had not sufficiently explained his views. As far as he had explained them, he (Lord Stanley) admitted, that he was disposed to concur with him, and he thought, that in the state in which the colony was, without entering into minute particulars as to the means by which it had been brought to its present condition, it was necessary for Parliament to interfere now for the protection of the 15,000 individuals who had embarked their capital and their personal services in the colony, on the faith of the security of Government and the acts of Parliament. But he thought that it was not right on the part of Government, who had had the whole recess before them, and who had been cognisant of all the circumstances since the 26th August last—who might have known from the despatch of Colonel Gawler, which they might have received so long ago as June, 1839, the critical position of the colony, in consequence of the act of Parliament—to call on this House now to sanction a grant of money without giving an account of any of the provisions of the bill which they proposed to introduce to effect the alterations in the colony which they had in view. He should be very sorry under existing circumstances, to interpose anything like a negative to the proposition of the noble Lord to raise a sum of money, but he really wished to press it upon the House whether it was not due to the magnitude of the question, to the importance of the interests involved, and to the principles upon which the House was to proceed, that they should take these two questions into consideration together, and should not be called upon to advance a loan without knowing the principle to be in future acted upon, or what security was to be given for the money advanced? Without, therefore, introducing any unnecessary details, he ventured to express a hope, that the noble Lord would permit the chairman to report progress, and postpone the consideration of the question until some future time, with an assurance on the part of the House of their desire to consider the exigencies of the colony and the means of meeting them, and that, in the meanwhile, the noble Lord would lay on the Table of the House in detail those measures which he intended to propose for the adoption of Parliament.

Lord *John Russell* said, that he had originally brought forward this question, and had referred it to a committee because he thought that the committee would be able to form an opinion upon the subject of a loan being made when that question was brought forward, and also as to the future government of the colony. He was in hopes that the proposition which he had now made would have been acceded to, and the report of the committee deprecating above all things any delay in the determination of the question to be decided, he had considered it to be his duty to bring forward that measure which he considered necessary immediately. The measure, which he was able to bring forward without delay, was one to guarantee a loan to the colony; and he did not think that he should have been justified in proposing a bill to the House liable to the objection, as it would have been, that it had not proceeded from the committee. That there should be a guarantee for the future payment of the loan, and that a measure should be prepared for the future government of the colony, he was willing to admit; but in bringing forward the present resolution, he had thought above all things that, it was necessary to proceed without delay. Having acted entirely in this matter upon the report of the committee, he thought that it would be hardly fair that his proposition should be postponed without any opinion being expressed, but that the committee should either declare their concurrence in it, or their dissent from the principle which was embodied in it. If they should agree in the propriety of its being adopted, he should be ready, in any bill which he might introduce, to lay down general principles as to the futnre government of the colony, but he hoped that the committee would not, in the mean time, entirely abandon the matter under consideration.

Sir *Robert Peel* thought that the noble Lord had given no answer which tended to remove the difficulty suggested. It was desired to be known whether the noble Lord meant, if the resolution were agreed to, that upon the guarantee of Parliament the loan might immediately be raised?

The *Chancellor of the Exchequer* said, that the real object was to meet the difficulties under which the colonists laboured; and the committee must remember that there were many bills in actual existence, the non payment of which might produce serious inconvenience. Sufficient money might be raised to meet the pressing exigency relating to them, while the rest might be a subject of future consideration.

Viscount *Howick* said, that it appeared to him that whatever arrangement might be adopted with regard to the future management of the colony, whether the colony succeeded or failed, at all events those bills which had been circulated under the authority of an Act of Parliament must be paid. If they were to be paid, they had it on the report of the committee, that it was of the utmost importance that they should be settled without delay; and it was to be observed, that if they should be returned to the colony protested, there would be an additional expense of 20 per cent. incurred. He thought, that it was unfortunate that there had been any delay, and that some mismanagement must have taken place to produce it; but he was of opinioh that they should provide for the money being raised at once, and it appeared to him that by taking the course suggested by the noble Lord opposite still further delay must arise. [Lord *Stanley*: Only a week.] Either it must be more than a week, or the bill which was introduced would be hastily drawn and imperfectly considered. He should suggest, that the committee should now consent to the resolution proposed, that the resolution should be reported, and that the Government, having then the authority of the House upon the subject, would be enabled at once to raise the loan, or at least so much of it as would be required to meet the immediate difficulties of the colony. But before the House was called upon to pass a bill which authorised the payment of money out of the consolidated fund, the Government, he should say, should be deemed bound to produce a measure which should contain provisions as to the future Government of the colony; and he could not help thinking that that would be the better course to take, instead of bringing a bill hastily before the House in the manner proposed by the noble Lord opposite. It appeared to him that this would be the mode of proceeding which would best meet what was due to private parties interested in the colony, and what was due to that House and to the country. for providing for the security of the public money. He would not follow the noble Lord through the statement which he had made. Opportunities would hereafter arise of discussing what was to be done in respect to the Government of the colony, and all they had to do now was to provide for its present pressing emergency.

Mr. *Hutt* rose, not to oppose the views of the noble Lord who had moved this resolution, but in consequence of the attack that had been made on the colony, and on the views of those who were engaged in its establishment, A more unfounded statement he had never heard, even from that noble Lord. The noble Lord had spoken of the extravagance with which the finances of the colony had been administered, for the purpose of giving it a fictitious appearance of prosperity; but he denied the accuracy of that statement, or that a single sixpence had been expended by the authority of the commissioners except for objects strictly consistent with economy. He could not help wishing, that the noble Lord, before making statements so painful to the feelings of the parties, had taken the trouble to make himself aware of the real facts of the case. However, as the conduct of the commissioners had been called in question, and as he had been one of those commissioners during four years from the establishment of the colony, he trusted the House would permit him to make a few general observations in their defence. He would first remark, that the colony had not, up to this period, cost the country one sixpence, either for military or naval stations or other establishments. Yet the population amounted to no less than 15,000, of whom the noble Lord, the Secretary for the Colonies, had remarked, that they exhibited every indication of activity and good conduct. Although the colony had only existed four years, it already contained a far larger amount of stock than there was in New South Wales, after thirty years existence as a colony· The fixed capital of the colony was out of all proportion, even to the floating capital. All this had occurred under the administration of the commissioners, and the colony was generally in a most prosperous state, when the management of its affairs was handed over by them to the successors appointed by the Government. Since the appointment of those successors, however, every thing seemed to have gone wrong. He did not impute anything to them, but he was bound to state the facts—that the land sales had ceased, and that emigration had almost entirely ceased; and now had come over these untoward bills. The commissioners had deferred raising the necessary money to meet them until it was too late—till the colony had lost its credit, and they could not get any one to lend the money. Under these circumstances, the noble Lord came down to them with his present proposition, and as the colony presented every circumstance of economy calculated to afford a prospect of security he, (Mr. Hutt) trusted the House would accede to it.

Mr. *Mackinnon*: I have listened to the speech of the Member for Hull, which, in fact, throws more blame on the conduct of the noble Lord at the head of the Colonial Office, than any thing said on this side of the House. Having been one of the commissioners for South Australia, I feel myself called upon to give the outline of the state of affairs in that colony, in a few words. It is briefly as follows:—In May, 1835, a commission for South Australia was gazetted, consisting of ten Gentlemen, who were willing to undertake, without emolument, the management of that colony, and to have the control of the Emigration Land Fund. The leading principle of the act of Parliament on which the power of the commissioners rested was, that the commission should have the power of selling land in South Australia, at a certain price which they should determine, for the purpose of creating a fund, which fund should be applicable to the free transport of labourers and their families, by which means, it was supposed, that persons with a certain capital, would immigrate into that country, and labourers qualified to cultivate their lands, would be supplied. The chief duty therefore of the Board was, to superintend, and to encourage the sale of land, and to superintend and encourage the transport of labourers of good character to the colony, free of expense. In short, the steam power, or main spring of the whole machinery was, the power of raising money by the sale of lands in South Australia. From 1835 to 1839, this system steadily and progressively improved; so much so, that in the latter year (1839) the late commissioners had sold nearly fifty thousand acres of land, and held a considerable balance in hand, upwards of 70,000*l*., to further the objects already mentioned. They had cancelled to the amount of 2,400*l*. of bonds, part of a debt necessary to incur, at the commencement of their proceedings, and were in treaty to cancel 10,000*l*. more. Such was the state of their affairs at the close of the year already named. Some time in December, in that year, a new commission was issued by the Crown, recalling the powers granted in 1835, to the ten non-salaried commissioners, and appointing in their place three commissioners with a salary*, to whom the management of the affairs of South Australia was entrusted. Since that period, Dec. 1839, it seems the new commissioners have expended the sums transferred to them by those whom they succeeded; they have, in the first instance, attempted to raise a loan, in which they have failed, as not a single tender was made: they have again failed in another attempt to raise money, having in this second trial, obtained the guarantee of the Colonial Secretary for their loan, yet even this was found to be ineffectual; in short, not having the means of raising the funds for the necessary business of the colony, and the bills drawn on them by the local Government, they have been under the necessity of applying to this House for the purpose of obtaining the funds required. Now, in this statement, I do not mean to cast any blame on the new commission; I am ignorant whether they have behaved indiscreetly or otherwise, in the fulfilment of their duty; all I know is from their own letter, addressed to the Secretary for the Colonies, dated July 7, 1840, in which they say, "the sales in England, since November last, have been of no material amount". It appears they have sold, during the year 1840, about 7,000 acres, of which 4,000 were contracted for with the late commissioners, so that, in fact, the present Board, in 1840, has sold 3,000 acres of land in South Australia, when the former commissioners, in 1839, sold 50,000 acres!! No wonder, such being the case, that the Board should have no money. The steam, therefore, or the main spring of the machinery being at a stand, the machine cannot advance. For this singular change in public opinion, in reference to South Australia, I do not blame the new commission, but I think that the former commission had either more influence with the country, or more means of getting the land in repute. I hope, however, this sort of stand still will not be injurious to the colony, and I will cheerfully give my vote for the amount required. Before I sit down let me correct a mistake which has been made, not only was no salary ever expected, but all thoughts of a salary were uniformly rejected by me, and by, I believe, Mr. Shaw Lefevre, Mr. Hall, Mr. Mills, and Mr. Palmer. Now, Sir, before I sit down, allow me to state, that the bills drawn by the local Government at Adelaide have been much over-rated, they amount to only the sum, as I will here mention, of 15,262*l.* 9*s.* 9*d.* The other sums are only likely to be called for,

---

* Colonel Torrens, hon. Edward E. Villiers, T. F. Elliot, with a salary of 1,000*l*. a year each.

	£. s. d.
Total of Bills drawn from the Colony, and refused acceptance June 30, 1841.	15,262 9 9
Supposed amount to this date, if the Resident Commissioner has received the interdict sent out by the Commissioner . .	65,000 0 0
Supposed amount at the present rate of expenditure, 140,000*l.* per annum, with a revenue of 20,000*l.*	90,000 0 0
	£170,262 9 9

Having thus explained myself, I will only repeat, that the distress of the colony, the deficiency under which it labours, is owing in a great measure to the conduct of her Majesty's Minister for the Colonial Department, who has, I believe, acted for the best, but acted under incorrect information, and misdirected judgment on the case.

Mr. *V. Smith* said, it had been charged against the Government that the transfer of the administration of this colony from the body who had held it for four years to those who had since exercised the power of management had been an injudicious act; and the hon. Member for Hull, had in particular stated that from the moment the new commissioners were appointed the affairs of the colony began to decline. The House would, however, recollect what the duties were which the new commissioners had to perform. They had to look into the affairs of the last commission, and while doing so, it was but right that the further progress of the existing system should be stayed—a progress that was in fact not towards prosperity, as had been stated by the hon. Member, but towards bankruptcy. With regard to the bills that had been referred to as an evidence of the mal-administration of the new commission, the House would remember that they had been drawn previously to the appointment of that commission, and therefore that it was utterly impossible that the present commission could be fairly held responsible for them. The noble Lord opposite had proposed delay. He would beg the House to remember that the reason why this report had been made thus early was to obviate any unnecessary delay in the settlement of these pecuniary difficulties, and that, therefore, they ought not now to report progress, but to discuss the subject and settle it at once. He could not now understand the noble Lords' present proposition of delay, when he read the words of the report of the committee (of which the noble Lord was a member), "that the bulk of the protested bills appear to have been hitherto retained by the holders in this country, in the expectation of the adoption by Parliament of some measures for providing for their payment; but that there is reason to apprehend that protracted uncertainty and delay respecting such measures will tend seriously to aggravate the existing difficulties." Yet notwithstanding this resolution of the committee, the first step of the noble Lord was to come down and propose an adjournment for ten days. The other charges of the noble Lord did not so much surprise him, because they were urged by him in committee. The noble Lord complained that Government had not taken on themselves the responsibility of at once relieving these pecuniary difficulties without applying for the assistance of a committee of that House. But the view taken by the Government was, that this colony was anomalous in its creation. different from all other colonies in that respect. It had been partly the creation of Parliament itself, and they therefore thought it their duty to submit the subject to Parliament, or, what was more convenient, to a committee of Parliament, in order that Parliament might decide what alterations should be made in the acts which it had itself passed. The colony had been founded as a self-supporting colony, and if the result of the few years' experience had been nothing but to prove the necessity of self-supporting colonies, then, supposing that no misery or starvation attended the experiment, he could not but feel satisfied that it had been made. He could remember when the government of South Australia was referred to as a model for all other colonial governments, but now the experiment had ended in bankruptcy. While saying this, however, he felt bound to admit that as a specimen of a self-acting colony, this colony was not establish or conducted on the principle which the advocates of that system pronounced to be the true one, but that it was an anomalous mixture of self-support and government control. He was surprised that the acts which had established it should ever have passed Parliament. With regard to the report of the committee, when they were appointed the first thing they did was to consider the financial difficulties of the colony, and then its future prospects; and shortly after the formation of the committee the noble Lord the Secretary for the Colonies, proposed a resolution to the same effect as that now submitted to the House—that the financial difficulties of the colony should first be put an end to, but that the relief from Parliament should be confined to those embarrassments, without any further additions being made to the emigration fund. It was considered that parties who had gone out there with their families and embarked their property had done so in the belief that the colony was under the protection of the Government, and that therefore those parties could not be allowed to sink, rather than that a re-payment to the emigration fund should be proposed. But putting all these considerations on one side, he certainly did not consider that this colony, on the terms proposed, would be such a dear bargain to this country when its value was compared with that of other colonies in the same part of the world. Western Australia, for instance, had in 1834 cost this country, for the different establishments, 25,413*l.* Yet the population of Western Australia amounted to no more than 2,000, while that of Southern Australia was 15,000. If the whole expense of each colony, as compared with the relative population, was considered, it would not be found that there was so great a difference in point of expense between the two according to the arrangement now proposed to be made. They had derived one great advantage from the failure of this colony — they had increased their knowledge as to what were the true foundations on which a system for the establishment of colonies ought to be based. The error that had been committed in the establishment of the colony of South Australia was admitted, even by those who formerly were the most sanguine in support of the theory. Colonel Torrens, in particular, was one of the most eager for the promotion of the colony on that system. but he now declared that the principle of it was erroneous. Colonel Torrens said:—

"Experience has proved that the plan upon which the colony of South Australia was established was essentially erroneous. The expedients which were devised, for the purpose of divesting the Government of pecuniary responsibility, have had a practical effect directly opposite to that which was intended. The situation and boundaries of the province were fixed by Act of Parliament before any adequate knowledge of the country had been obtained; the money required for defraying the preliminary expenses of establishing the colony was raised at an exorbitant rate of interest; while the divided powers created by the act, by leading one party to conceive that they were upholding the prerogative of the Crown by weakening the influence of the colonization commissioners, and another party to imagine that, by opposing the representative of the Crown, they were defending the peculiar principles of the colony, occasioned such a relaxation of authority, that the administrative functionaries in the colony deemed themselves at liberty to act upon their own responsibility and discretion, regardless of the most precise and positive instructions. The incongruous scheme upon which South Australia was established has now broken down: and the only means by which the principle of self-support can be brought into practical operation is for the Government to retrace its steps, and to take into its own hands the financial responsibility and control."

With that quotation he would leave the subject in the hands of the committee.

Sir *Robert Peel* wished that some course should be taken which at the same time would provide for the exigency of the public service as regarded the present, and would give assurance that proper steps would be taken to prevent an improper expenditure for the future. He would appeal to the House, whether the proposition of his noble Friend (Lord Stanley) was unwise? His noble Friend said, that it was evident, from the documents on the Table, that it was the duty of the House when it consented, on the part of the public, to grant a loan, to meet the present difficulties, to take care that it had some security as to the future government of the colony; he requested, therefore, that before they proceeded further the noble Lord should bring in a bill to provide for the future government of South Australia. If the noble Lord would bring forward such a bill within eight or ten days from the present time, neither his noble Friend nor himself would object to the course proposed, but they requested, before the committee proceeded further, that the intentions of the Government should be distinctly notified. Was the noble Lord quite sure, that a loan of 210,000*l.* would be sufficient for the purposes for which he wished to provide? Was he satisfied that it would not be necessary to come down for a further advance, and that a supplementary estimate would not follow the present application? It was by no means certain, that the Governor of South Australia might not proceed in such a course as to render another application to Parliament necessary. If such was the case, the noble Lord might come down to the House with his supplementary vote, and say you granted a loan of 210,000*l.* to relieve the colony from its pressing difficulties, but that amount was not sufficient; therefore, on the same principle that you granted the first loan you must grant a second. He would not speak of his own authority, as that might be disputed, as to the probability of future embarrassments in this colony, but he would refer to the statement of Mr. Stephen, as he found it given in the papers on this subject distributed on Saturday. Mr. Stephen says that—

"From those accounts it appears, that the expenditure of the colony for the last quarter of the year 1839 had exceeded 34,000*l.* without any prospect of reducing this rate for some quarters to come; that, consequently, the commissioners understand that the expenditure of the colony will continue at a rate approaching 140,000*l.* per annum, the revenue being something more than 20,000*l.* per annum; that the deficiency is therefore proceeding at a rate of about 120,000*l.* per annum, to be provided by bills drawn on the commissioners in England; that if the loan of 120,000*l.* were raised, the law would require the appropriation of 90,000*l.* from it, before the end of the year to emigration; but that the propriety of negociating a loan at all under such circumstances is very doubtful, unless the whole case were first communicated to the contractors; that the concealment of those facts would be the more indefensible because the lately published report of the former commissioners represent the colony as flourishing to the end of the year 1839; and there is no other accessible official intelligence to counteract the erroneous impression which the contractors might derive from this statement."

No doubt the noble Lord had issued positive directions that there should be a diminution of expenditure, and that every possible reduction should be effected, but would the noble Lord be able to feel secure that this would be sufficient, and that the deficiency of income would not not continue? The hon. Gentleman, the Under Secretary for the Colonies, stated, that Colonel Torrens was now the first to denounce the system of colonization upon which this colony had been founded, and of which he was at the head of the Government in this country, and that however sanguine he might have been in the first instance as to the success of the enterprise, he was now of opinion that the scheme had failed. Now he found in the fourth annual report of the colonization commissioners for South Australia which is dated the 8th of January, 1840, and was signed "R. Torrens," chairman of the late commission, the following passage:—

"The unexampled prosperity of South Australia has excited an envious spirit of hostility in persons interested in promoting emigration to the neighbouring settlements, and the grossest misrepresentations have been perseveringly circulated respecting the soil and the climate. We therefore deem it necessary, in justification of ourselves, and with a view to the further progress of the colony which we have established, to refer in this, our concluding report, to the authentic information which we have from time to time received respecting the agricultural and pastoral capabilities of the province, upon the faith of which we have proceeded in directing the tide of emigration and capital to its shores."

And at the conclusion of the report it was stated:—

"In retiring from the important trust so long confided to us, we may be allowed to congratulate ourselves upon having established by practical proof the important fact, that the expense of planting new colonies and of conveying to them the unemployed labour of the parent state may be defrayed by means of the value which the act of planting confers upon the wild lands of an unreclaimed country."

This opinion was given with confidence in 1840, and yet now the hon. Gentleman said, that Colonel Torrens had got a new light on the subject, and that the present case should be a warning to all persons who attempted to colonize on a new system. With these opinions before him, he felt the more confidence in stating, that the proper course for the noble Lord to pursue would be, before he asked the House to consent to the loan, to let them know what steps were to be taken with reference to the future government of the colony. Let there be a direct public intimation of this, in the shape of a bill, from which they would be able to learn what future course was to be pursued. Look, again, at the confusion that had arisen with respect to the treasurers of the colony. When the House recollected the conduct of those who had filled that office in South Australia, as well as the proceedings of the governors, he would ask, had the noble Lord a right to ask them to guarantee this loan, and to sanction a principle which involved the grant of future loans, while the House was in a state of ignorance as to the principles on which the colony was to be governed for the future? Did hon. Gentlemen recollect the grounds on which the two treasurers had been removed from their office? He found it stated in the documents on the Table, that—

"Mr. Fisher, the First Colonial Treasurer, unfortunately set the example of these irregular preceedings; and at length, upon an inquiry being instituted, was removed under circumstances of such grave suspicion, that had he possessed any property, legal measures would have been adopted to recover the sums for which he had rendered no account."

[Mr. *Hutt:* The statement was erroneous.] If that were the case, it was a strong argument for a delay of eight or ten days. Hon. Members had hardly had sufficient time to consider the subject. The papers with respect to which they were called to legislate were delivered on Saturday, and there had only been the interim for their examination and consideration. The report then proceeded:—

"Mr. Fisher was suceeeded by Mr. Gillies, who appears to have been also most irregular, but from the original connexion of this latter gentleman with the promoters of the colony, and certain alleged services rendered by him in its formation, there was a great indisposition on the part of the Governor (Colonel Gawler) to remove him, which indisposition seems fully to have been felt by the commissioners at home."

Under these circumstances, and when they recollected that the two Governors had been removed, were they not justified in demanding from the Government an explanation as to the course that was to be proposed for the future Government of this colony? In the report of the commissioners, dated 7th July, 1840, and signed R. Torrens, T. F. Elliott, and E. E. Villiers, he found it stated:—

"All those districts of the province which lie north and west of the heads of the gulphs have been found, as far as hitherto explored, to consist of sterile and unavailable tracts, and it is only on the Peninsula, bounded by St Vincent, Lake Alexandria, and the Murray, that any considerable extent of fertile land has, been discovered. It cannot be disguised that some uncertainty must exist as to whether a territory thus limited can be made to provide the means of defraying the expense of its local administration."

They had previously been informed in

this report that the great error in the original establishment of this colony was, the expecting that it could support itself without the assistance of a loan. The report then proceeded:

> "Had the settlement been planted in the most economical manner, had the loans been raised under the guarantee of Government, and had the country been laid out and prepared for the reception of the emigrants previous to their arrival, the discovery that in so large a portion of the province the lands were unavailable must have abated our confidence in the success of the self-supporting principle as applied within the present limits of South Australia. But when, on the contrary, the peculiar disadvantages we have attempted to describe are taken into account, the danger appears the more imminent that the expenses of the colony may ultimately fall upon the mother country. It is, in order to guard against this otherwise probable contingency, that we would throw out the idea of enlarging the boundaries of the province."

It appeared, then, that the time had come when they were called upon to alter the territorial extent of the country and the mode of Government, and he admitted, after what had been stated by the noble Lord, that they should adopt some plan for the constitution of this colony, assimilating it to the other Crown colonies, and making provision for the future Government and welfare of the fifteen thousand persons in that colony. The House should not forget that it was only right and proper that this large body of persons should look to the mother country for protection and support in the difficulties in which they were now involved. He thought, then, that the best course to pursue, both with regard to their interests as well as to the interests of the whole nation, was that the colony should be taken under the protection of the Crown. While, then, he admitted this, and also the force of the objection of his noble Friend to the course proposed, he thought that he could suggest a course which would meet the difficulties of the case. It was admitted on all hands that the demand on the part of the colony should be acceded to for some assistance from the Government, and also that steps should be taken to place the colony on a better foundation. To meet the present difficulty, then, he would suggest that they should postpone the proposition for a loan, or for the guarantee of a loan, for a short time, and that the Government, in the course of the next day or two, should place on the Table of the House an estimate of the expense likely to be incurred, and that they should afterwards propose, in the next committee of supply, a vote of credit to make provision for such charge. It would be unjust to those who had placed reliance on the faith of an act of Parliament, by advancing them money, if they hesitated to make provision for these debts. It would also be unwise in an economical point of view, for if they hesitated now to pay their just demands, they must be paid hereafter, together with all the incidental expenses which would be occasioned by the delay. He would, therefore, urge upon the noble Lord the propriety of postponing the proposition for a loan for almost an indifferent amount for a short time, and to make provision in the meantime by taking a vote of credit. When this was done, let them, independent of all party consideration, proceed to consider what was best to be done for the 15,000 persons in the colony both as regarded their present difficulties and their future government. He repeated, then, give an estimate of the sum that probably would be required, and take a vote of credit for it; of course leaving it open to the Government, at a future occasion, to make provision in the shape of a loan.

Lord *John Russell* felt surprised at the opposition of the noble Lord opposite as to the general course of proceeding on this subject. He thought that there would have been little or no doubt as to its being proper that the subject should originate in committee up stairs, and that the Government should state their whole view of the subject to the committee. His hon. Friend the Under-Secretary for the Colonies stated correctly that there were two considerations in this matter; first, the relief of the persons who had advanced money on these bills on the faith of an act of Parliament; and secondly, that the colony should be placed under the control of the Crown. This also was the general view of the committee up stairs, and also that there should be as little delay as possible in making provision for the first of these objects. He was informed also that the noble Lord opposite had complained in that committee very much that any delay should take place; and he found also, by the report of the committee on the Table of the House, that the noble

Lord had proposed a resolution on this subject, which commenced as follows:—

> "That if it be in the contemplation of her Majesty's Government to propose to Parliament any measures for the relief of their embarrassments, any uncertainty or delay respecting such measures cannot but tend seriously to aggravate the existing difficulties."

Under these circumstances he could not but feel that it was very odd on the part of the noble Lord to ask for what the right hon. Gentleman was pleased to describe as a little delay. He could very well understand a demand for delay if it had been urged on the ground that the whole question should be postponed until it had been reported on by the committee, and that, when this was done, the noble Lord would be prepared to give his support to such measures as might be thought necessary; but the committee had reported, and recommended that the grant of money should be taken into consideration without delay. If, then, the present vote was brought forward, in conformity with the noble Lord's opinion in the committee, and in which opinion the committee concurred, it would not be at all satisfactory to the persons holding these protested bills to be kept without their money. The general views of the noble Lord on this subject had hitherto agreed with those which he entertained; and the noble Lord must be aware that if he had that night introduced the subject in the shape of a bill involving the proposition then before the House, as well as the plan for the future government of the colony, it would have given rise to opposition in other parts of the House, and the relief which it was desirable to grant without delay would be retarded. The result, therefore, of adopting this course of proceeding would have been to have led to the postponing of the whole of the subject for a considerable period. He thought that the proposition of the right hon. Gentleman would meet the difficulty of the case, and he had no objection to adopt it; and that, in carrying a motion in committee of supply for a vote of credit they could state in the resolution the special circumstances relating to the acts referring to the government of South Australia.

Lord *Stanley*—In proposing to the committee that any delay as to the carrying out the intention of the Government would be mischievous—a proposition in which I am still more strengthened now, and in the proposal I made to-night I can see no inconsistency; and I say that before the House should be callen on to vote a large sum of money we should be put in possession of the views of the Government as to the future state of the colony. It is not my fault if the noble Lord had not his bill ready at the commencement of the Session. But the noble Lord finds it more convenient to avoid coming to the House to ask for this vote upon the responsibility of his Government, and to throw the responsibility upon the committee. The noble Lord was aware of the facts in August last, and I should have thought that upon the first meeting of Parliament he would have come down to make some proposition on the responsibility of the Government to this House. The noble Lord says he should have met with opposition from other parties had he brought forward this bill in the manner I proposed; but have we not a right to ask the noble Lord what are his intentions? He should learn to make up his mind, and not to be tossed about by hopes of support from this side of the House or from that, and not to relieve himself from responsibility by throwit upon the committee.

The *Chancellor of the Exchequer* could not help saying, that the noble Lord had adopted a very unfair mode of proceeding, in asserting that it was the intention of the Government, in its present proceeding, to remove the responsibility from itself, and throw it on the committee. There never was a charge more unjust, nor was there ever an occasion on which the Government less wished to remove the responsibility from itself, and place it elsewhere than in the present case. Twice, while Parliament was not sitting, application was made to the Government, to pledge itself to make advances for the relief of these embarrassments. On both these occasions, instead of saying that this was a case in which the Government would not proceed to take any step, or express any opinion, without the sanction of Parliament, it was clearly understood by the parties, that the Government sanctioned the proposition, and were prepared to give a pledge to make these advances. If, then, this was the course adopted when Parliament was not sitting, when his noble Friend readily undertook this responsibility, surely he would not shrink from asking Parliament to agree to sanction the course which he had pursued. Because his noble Friend did not make his proposition in the Committee of the whole House at once, but referred the subject to a select committee, he was charged with wishing to remove the responsibility of the measures to be proposed from himself to the commtttee; but it must be in the recollection of the House, that his noble Friend stated, when he moved for the committee, that he did so for the purpose of laying before it the measures which he intended to propose on the part of the Government. If his noble Friend had come down with a proposition for a loan, and with a bill ready cut and dried for the future government of the colony, they would have heard—and more especially from the noble Lord, who would be the first and the loudest—complaints of the Government asking for a loan of 210,000*l.*, without information, without inquiry, and without affording the House the opportunity of knowing whether or not the step proposed would work well or ill. As a proof that such complaints would have been made from the other side, he need only refer to what occurred a few days ago, when the Government followed the course recommended by the noble Lord, with reference to the supplementary vote to the navy estimates. The hon. Member for Stamford (Sir G. Clerk) said, that the right course to have pursued would have been, to refer the matter to the consideration of a committee up stairs. In the present case, the Government had done so, and had sent the matter to a committee; and the noble Lord turned round and said that they had done so, because they shrunk from the responsibility of proposing measures. He felt assured, if his noble Friend had brought forward the measures for the two objects which had been described at present, it would have produced a feeling of insecurity as to the property connected with this colony.

Mr. *Grote* said, that he was one of many Gentlemen who supported the original plan for the formation of the colony of South Australia. At the same time, he had not, at that time, nor ever had, one shilling interest, in a pecuniary sense, in the matter; but he had given his cordial support to the plan, and to the bill for carrying it out, because he thought that the colony was about to be founded on a wise principle; and he would wait the result of the present inquiry before he should be induced to say, with any hon. Members, that this colony had proved a failure. His own impression at the present time was, that the colony was directly the reverse of a failure, and if he wished for a confirmation of this opinion, he would only refer to the speech of the Under-Secretary for the Colonies (Mr. V. Smith). In the same speech in which he declared the colony to be a failure, he stated, if the House consented to make the proposed advance, and took the colony as it was, that it would not be a dear bargain. He did not think that it was very important whether the money proposed to be granted was to be regarded either as a gift or a loan; but he thought there would be great mischief in any delay in the matter. He did not see any objection to the proposition of the right hon. Baronet, to take the advance at present as a vote of credit, and only delay this until the next supply day, but if the delay was to be in the shape proposed by the noble Lord, and there was to be no advance or loan until they had decided as to the measures which they should adopt for the better management and government of the colony for the future, it would be attended with the worst consequences. Such delay would be most pernicious, and the result must be, that Parliament, on a future occasion, would be called upon to interfere to a much greater extent than was now necessary. The claims were urgent, and if there was a delay of more than a few days, the measure now proposed would be infinitely less efficacious than if it were at once adopted. On the other part of the subject, the inquiry was now being carried on before the committee. But if the measure for the future government of the colony was to be proposed in a week, they would lose all the advantage of the evidence hereafter to be tendered to the committee. He entertained the fullest confidence in the success of the colony, notwithstanding the noble Lord had treated it as a failure; but he (Mr. Grote) did not think that it was so, or that it would ever become a charge to the public. The committee should not forget that, according to the evidence given before the select committee by a highly respectable witness, the amount of capital now in the colony was not less than 2,500,000*l.* of real *bona fide* property put into the colony. There were 180,000 sheep and 15,000 head of other cattle there; and instead of the colony being, as anybody would suppose from the noble Lord's speech, a place in which nothing but cheating and jobbing had been going on from the beginning, it was a place in which honest and intelligent industry, coupled with well directed capital, had been introduced in a greater and more continuous stream than ever was the case in any colony established from the English shores before. Nor was it to be forgotten, that though this colony was now reduced to the painful necessity of asking for parliamentary aid, this might equally have happened to a colony established on other principles. The evil of a governor of a colony being extravagant, and utterly mistaking his duty, was not necessarily peculiar to a colony established on the self-supporting principle. Looking at this matter divested of party feeling, far too much of which had been introduced into the subject, any hon. Gentleman would see that here were two distinct questions; the first, as to rescuing the colony from the pressing exigency in which it had been involved; and the second, as to giving it an improved constitution, and the providing some security against a repetition of the mismanagement from which it had so severely suffered. This separation of the subject into two parts, if admitted, should be complete; and it appeared to him, that the first question should be decided as soon as possible, and not be mixed up with the second question. Let the committee bear in mind, that there were now in the city bills to a very large amount, drawn by the governor and dishonoured, and that a ship would sail this week for the colony. It was clear, that the existing mischief would be greatly aggravated, if, by that ship, intelligence was to reach the colonists, that a proposition made to the House of Commons for interposition had been postponed for an indefinite period, and, that, indeed, there was some doubt whether the House was disposed to interfere at all. He therefore trusted, that the committee would not sanction delay in the very pressing urgency of the affairs of this colony.

Lord *Eliot* said, as a Member of the committee to the proceedings of which so much reference had been made, he felt himself called upon to make a few observations. He concurred with the noble Lord the Member for North Lancashire in the opinion, that it was the duty of the Government not to wait for the recommendation of the committee before they applied to Parliament on this subject; and, having accepted the honour of sitting as a Member of that committee, he could not help saying, that the examination of the circumstances attending this question had produced in his mind an impression that the immediate interposition of Parliament was necessary. He had not heard without considerable surprise the speech of his noble Friend; for he thought there had been no doubt with the committee as to the necessity of the interposition of Parliament, and that any delay must be prejudicial. The delay, therefore, which his noble Friend proposed, short as it might be, he could not but consider as uncalled for. But it was impossible the House could lay aside the circumstances that had created the present difficulty. Bills to a large amount drawn by the governor were now lying in London, and the holders of them could not without great inconvenience and risk to themselves retain them in their own hands, and if they sent them back to the colony it would produce great confusion and disaster, and lead to the almost irretrievable ruin of the affairs of the colony. As the committee of which he was a Member were still engaged in considering all the circumstances of the case, any expression of an opinion on his part might be premature; but, as his noble Friend had taken this opportunity of indulging in what he (Lord Eliot) thought a sweeping censure on the proceedings of the colony, and on what he considered a sound principle, the principle of a self-supporting colony, he might be permitted to say one word on that subject. He thought his noble Friend had overlooked many circumstances that were in favour of the colony; whilst on the other hand, he had overrated some that were against it. With respect to the value of the acre of land to which his noble Friend had alluded, his noble Friend had omitted to mention that a considerable sum had been expended by the Government in the immediate neighbourhood of it, and that that had tended to raise its value. With respect also to the principle of a self-supporting colony, his noble Friend had spoken of it as though this was the first colony that had been founded on that principle. His noble Friend seemed to have forgotten, that the origin and progress of what now constituted the United States were on that principle; and, instead of attributing the distress of this colony to the real cause, he had gone into various points all wide of the mark. The governor, Colonel Gawler, might have had good reason for what he had done; but certainly his conduct had been one of the proximate causes of the difficulties under which the colony now laboured; and yet for that his noble Friend had cast no inconsiderable degree of blame or censure on the colonists, who had had no control whatever over the proceedings of the governor. The bills were drawn for works that had been done for the benefit of the colony, no doubt; but at the same time with too little regard to the means of the colony; but that expense was now incurred, and though he could not but regret, that the conduct of the governor had been so hasty and inconsiderate, yet he did not regret on the whole that the outlay had been made. He believed, that the statement which had just been made by the hon. Member for the city of London, was borne out by the accounts from the colony, that its prosperity was increasing, and that ultimately this country would not be called on to make good the loan. If that should prove to be the case, he would then ask whether any colony, whether founded on the same principles or not, had ever been founded at a less cost to the mother country than the colony of South Australia.

Mr. *John Parker* was understood to say, that with reference to the report which he had drawn up on this subject, and which had been alluded to by the hon. Member for Hull, he had endeavoured to make it a fair and honest report, and he had in the first instance laid it for consideration before the Chancellor of the Exchequer. It certainly might contain some technicalities, but he believed he had not made any substantial errors.

Mr. *Hope* said, that the House had two questions to consider. The one was whether any alteration as to the government of this colony should be made; and the other was, whether this loan should be guaranteed under the existing circumstances. In his opinion some further statements on the subject should be made by the Government before they proceeded to come to any decision on either point.

Mr. *Divett* said, that another vessel ought not to be allowed to leave this country for South Australia without some decision being come to as to what was to be done in regard to this colony. No doubt certain errors had crept into the management of the colony that had led the people to suppose that its resources were endless; but at the same time he could not agree with what had been stated by the noble Lord. He believed that the colony had received full value for the capital that had been expended there; and that in a few months there had been effected by that expenditure as much as would have taken years to accomplish without it. In his opinion the House very much underrated the resources of the colony; for all the accounts which he had seen convinced him that the land was of the highest quality, and most advantageous for sheep farming. He had seen a letter from a farmer there, an emigrant from that part of England with which he was connected, who said, he only wished some of the hard-working farmers of Devonshire could see how comfortable he was after having been there only twelve months; there was scarcely any one there, said the writer, who was disposed to work hard who might not very soon make himself comfortable. He thought the House could be hardly aware that at this moment there were at least 180,000 sheep in the colony; a great many had been imported from New South Wales, and many were bred in the colony; and in all probability in a few years this colony would become the emporium of the very large district of South Australia, because it was in the vicinity of the largest river yet discovered in that district. But with regard to the present financial crisis, it was impossible it should not have resulted from a system of drawing bills by the governor in this manner. He would, however, implore hon. Gentlemen opposite, if they did not then agree to the vote, not to oppose it when it was brought forward again; for no delay should arise in any way to prevent those persons who had been so unfortunate as to receive these bills from being paid the amount that was due to them.

Resolution withdrawn, to be brought forward on the ensuing Friday.

The House resumed.

SUPPLY—REPORT.] On the Order of the Day for further considering the eighth resolution of the Committee of Supply—Ordnance Estimates,

Captain *Boldero* said, that pursuant to his notice, he wished to draw the attention of the Master-general of the Ordnance to the expense incurred by Great Britain in furnishing arms, &c. to the Grand Sultan. He objected to the excess of the estimate for the ensuing year for ordnance stores over that of last year. The estimate for the ensuing was 328,000*l*., whilst the expense last year had been only 207,000*l*., so that there was an excess of 121,000*l*. on that one vote alone. Now, in 1834, the estimate was only 55,000*l*., in 1815, it was 65,000*l*.; in 1836, 75,000*l*.; so that there was a gradual and progressive increase of 10,000*l*. in each of these three years. But the vote of this year, exclusive of civil expenses, of ordnance stores—gunpowder, arms, and amunition, was 24,000*l*. Taking the average of the three years from 1834 to 1836, the vote was 65,000*l*. The House was quite ignorant of the causes of this large increase, and he thought it ought to be informed. He would, no doubt, be told that the expense of the expedition to Syria was a principal cause of the great increase; but he would ask how much of that expenditure was the Sultan to pay? There were a large number of muskets supplied to him, and it was to be supposed that ammunition also was supplied, for arms would be of no use without ammunition. The Sultan ought in justice to pay the whole of the expense which this country had been put to with reference to his affairs. If it were asked why that expenditure on the coast of Syria had been incurred, would not the House be informed that it was to support the integrity of the Ottoman empire; and we were, in this country, to bear all the expense. If the Sultan had been told, when we were about to interfere, that we should require him to bear the expenses which should be incurred on his account, there could be no doubt he would have most willingly assented to such a proposition; but now it appeared that this country was to bear all the expense of operations which were avowedly proceeded with for the purpose of supporting the balance of power in Europe. Why, he asked, should England be obliged to bear nearly all the expense? We had been successful at Acre; the skill and courage of the British forces employed had conquered; but see what a risk had been encountered. If the result had been different no one could tell what consequences might have ensued. It might be thought that objecting to this country bearing nearly all the expense would partake too much of the character of what Buonaparte had called a nation of shopkeepers, but Buonaparte had not been found to act in that manner; he did not oblige France to pay for wars entered into on the part of others. He could not conceive why the Sultan should not defray the expenses of operations which were carried on for his interest. The House ought, at least, to have definite information as to the amount which the Grand Sultan was to pay out of the enormous expense to which this country had been subjected. We had sent to the Mediterranean, he believed, the largest fleet which had ever been in that sea before; a fleet which, exclusive of steam-ships, carried 1,850 pieces of cannon, of all sizes; and that number of guns would require, at a fair average, 13,875 men: in fact, this country had been at an expense of between 2,000*l*. and 3,000*l*. per day. In Spain we had also interfered, with nearly a similar result; but Spain had acknowledged our claim upon her to the extent of half a million, and, under those circumstances, it would be desirable to know how much Turkey, the richer power, was to contribute. It was most essential to know how much the Sultan was to contribute towards defraying the expenses which had been incurred to support that Power, and he should feel it necessary to move for a copy of all the correspondence between her Majesty's Government and the Turkish authorities upon the subject, showing the expense which Turkey was to bear out of the aggregate expenditure which had been incurred by this country.

Sir *H. Vivian* only rose to answer the question of the hon. Gentleman with respect to the department over which he presided. It was true that the expense of the ordnance department had risen within the last four years, but he had explained the reasons at length the other night. For instance, on the estimate for one article, namely small arms, the increase was 130,000*l*., owing to the change of percussion for flint locks. The new armament for the army and navy had been determined on, and that had increased the expense. With respect to the supplies to the Sultan, the quantity of arms given was 24,000 stand, with proportionate ammunition, and the whole had been positively agreed to be paid for by the Grand Sultan. He did not know of any commissariat supplies, certainly there were none for the ordnance department. A quantity of entrenching tools, sufficient for the sappers and miners who had sailed from Gibraltar, had been supplied, but the cost was not more than a few hundred pounds. He could not go into a discussion of the policy of the operations in the East, but if the hon. Gentleman chose to bring the question regularly forward, he would find hon. Gentlemen who could answer him. In answer to the hon. Gentleman's question, he could only say, that his only claim upon the Sultan was for 24,000 stand of arms and proportionate ammunition.

Resolution agreed to.

EAST INDIA RUM.] On the Order of the Day for bringing up the report on the East India Rum Bill,

Mr. *Labouchere* proposed some verbal amendments in the preamble, to meet the suggestion made by the hon. and learned Member for Ripon. He had, also, an amendment of a more material character to propose. Judging by the evidence before the East India Committee, he had been led to believe that East India sugar was the *bonâ fide* produce of the sugar-cane and nothing else. In the bill, therefore, he had limited the permission to introduce rum to the produce of the sugar-cane, and in doing so he thought he was giving all that the East Indies asked. It had been stated however, by Gentlemen possessing local and practical knowledge on the subject—by the hon. and learned Member for Beverley, and the hon. and learned Member for Newark, who, he believed, was an East India, as well as West India proprietor, that the exclusion of the produce of the date-tree would render the bill a dead letter in Bengal. If that were the case—if date-tree rum was produced like sugar-cane rum, and that its admission would not open a door to fraud, or the introduction of spirits of all kinds under the name of rum, there was no fair reason for excluding it. He thought that in admitting the produce of the sugar-cane, they were certainly conferring a great benefit. He was satisfied that in Benares, the great country of the sugar manufacture, inasmuch as the date-tree either did not grow, or did not produce fruit, the sugar must be entirely the produce of the sugar-cane. On the other hand, he was satisfied that in Bengal Proper, and particularly in the low alluvial grounds near the sea, there were extensive manufactories of sugar from the date-tree, and in many places the sugar was made indiscriminately from the date-tree and the sugar-cane, and it would be exceedingly difficult to distinguish between sugar made from one and the other. He thought, therefore, in admitting sugar from the date-tree as well as the sugar-cane, it was only fair, and carrying out the principle, to admit the accompanying spirit with the former as well as the latter. At present sugar was not cultivated to a great extent in Bombay, but when it came to be, the date-tree would certainly prevail to a great extent. For these reasons, he thought he was only acting in consistency with his former declaration in consenting to an alteration by which spirit, the produce of the date-tree should be admitted on the same grounds with spirit the produce of the sugar-cane. He should therefore propose that after the words "sugar-cane," the words "date or palm-tree" be inserted.

Mr. *Hawes* was glad that the right hon. Gentleman went so far, but he thought there ought to be no difference whatever between East and West India produce.

Mr. *Goulburn* would not oppose the amendment. He thought the principle of the measure fairly applied to the produce of the date-tree.

Amendments agreed to. Report also agreed to. Bill to be read a third time.

REGISTRATION OF VOTERS (SCOTLAND).] The *Lord Advocate* moved the second reading of the Registration of Voters (Scotland) Bill.

Sir *W. Rae* said, that as he did not object to the principle of the bill, he would not oppose the motion to have it read a second time. However, he entertained very great objections to many of the details, and particularly to the constitution of the proposed Court of Review. It was proposed that the new court should be composed of three barristers to be appointed by the Speaker of that House. Now, he did not think that the right hon. Gentleman could have sufficient knowledge of the qualifications of Scotch barristers to enable him to make those appointments. Besides this, he entertained several other objections to the bill; but as they were not objections of principle he would not oppose the second reading.

The *Lord Advocate* felt obliged to the right hon. Gentleman for the attention he had paid the subject. He was glad that the right hon. Gentleman had no objection to the establishment of one Court of Review, as it was highly desirable to have a uniformity of decision. With respect to the constitution of the new court, he did not apprehend the difficulties which the right hon. Gentleman had stated, and he thought that they would be able to find at the bar in Scotland men fully qualified officially to discharge those duties. He begged to say, that he had framed his bill as carefully as possible, and he trusted that the House would discuss it in a fair and candid spirit.

Bill read a second time.

DRAINAGE OF LANDS BILL.] Mr. *Handley* moved the second reading of the Drainage of Lands Bill.

Colonel *Sibthorp* opposed the bill as unconstitutional and tyrannical. He, for one, would never consent to allow a surveyor to come into his ground and survey it at the command of others, who, perhaps, themselves did not possess an acre of land. The machinery of the bill also was most expensive and absurd. The hon. and gallant Member moved that the bill be read a second time that day six months.

Mr. *G. Berkeley* seconded the amendment. He should not, however, have so much objection to the bill if the county of Gloucester were exempted from its operation. The existing Court of Sewers, in the county of Gloucester, was altogether unobjectionable.

Mr. *Darby* also opposed the bill. The powers granted by it were monstrous; and, even if the county with which he was connected were not included in its operation, he should still oppose it, as being a most unjust and oppressive measure.

Mr. *W. Miles* said, that the bill might be useful if its operation were confined to lands that had never been drained, but at present the powers granted by the bill were far too extensive, and might be converted into engines of great mischief and injury. Unless the bill was greatly amended, he should oppose it.

Mr. *Handley* said, that many of the principles of this bill had been adopted by the noble Lord below him in the bill which he had introduced with respect to Ireland. He would, however, admit that this measure was not necessary in Lincolnshire, although he was convinced that it would be productive of the greatest benefit in many other counties of England. In a great many places the Court of Sewers was found so clumsy a machine as to be never used. He thought the objections against the bill were more fit for the consideration of a committee than for the consideration of that House, and he trusted, therefore, that, as on former occasions, they would consent to the second reading.

The House divided on the question that the bill be read a second time:—Ayes 31; Noes 19:—Majority 12.

Bill read a second time.

MONUMENT TO SIR WALTER SCOTT.] Sir *W. Rae* then rose to move for leave to bring in a bill for the erection, at Edinburgh, of a monument to the late Sir Walter Scott. A proper site for the intended monument could not be obtained without an Act of Parliament, as two public acts stood in the way. The subscribers were anxious to have a public bill, and to have it pass through the House as a public measure, and it was for that reason that his notice stood in the list of public business for that evening. He was sure that it was unnecessary for him to say a single word in support of his motion, as there could be but one feeling in that House in respect to Sir Walter Scott, whose great talents had been universally admitted, and who had done so much to illustrate the manners and improve the morals of his country. He might, however, mention that the subscription was deficient to the extent of about 2,000*l.*, and he did so in the hope that the people of England would not be slow, when the state of the case was made known, in coming forward to testify their respect for this great and good man. He should trouble the House no further, and he should only move for leave to bring in the bill.

Mr. *F. Maule* seconded the motion. It was not necessary for him to dilate on the merits of the great man for whom the monument was to be erected. He believed that a proposal to pay a public testimonial to him who had been justly called "the Great Wizard of the North," would meet with the approbation of all classes.

Leave given, bill brought in and read a first time, referred to the Select Committee on Petitions for Private Bills.

PETITION OF CAPTAIN LAROCHE.] Mr. *Alston* moved that the petition of Captain La Roche, presented on the 9th of March, be printed, and circulated with the votes.

Mr. *Greene* said, he had not seen the petition, but he understood that there was an objection to its being printed. He suggested the postponement of the motion.

Mr. *Alston* said, he could not consent to postpone the motion, as he had given notice that, on Thursday next, he would call the attention of the House to the subject.

The House divided:—Ayes 16; Noes 20:—Majority 4.

Adjourned.

HOUSE OF LORDS,

Tuesday, March 16, 1841.

Minutes.] Bill. Read a third time:—Lord Keane's Annuity.

Petitions presented. By the Archbishop of Canterbury, from the Deanery of Osfringe, against Idolatrous Worship (India).—By the Duke of Wellington, from the Guardians of the Alton Union, for the Continuance of the Poor-law Commissioners.—By the Marquess of Downshire, from places in Londonderry, against Church Patronage (Scotland).

Tithe Composition (Ireland).] Viscount *Duncannon* moved the third reading of the Tithe Composition (Ireland) Bill.

Bill read a third time.

Viscount *Duncannon* moved to add a clause by way of rider. He was afraid, that the alteration which it proposed would not effect the object contemplated by the noble Earl (Wicklow), nor did he know by what alteration that object could be effected.

The Earl of *Wicklow* was sorry to hear, that the noble Lord was not prepared to remove his objection, as he was most unwilling to throw any impediment in the way of a measure which was generally so important. He regretted, that none of the legal Lords were in the House, for he was sure he should have their support in saying, that his objection was insurmountable. It was this, that under the bill, as it now stood, any number of persons could be forced into a court of justice without notice, and judgment could be given against them without their being heard, or having any knowledge of the proceedings; and further, that under such circumstances they would be liable to the costs. He had hoped, that in the time which had elapsed since the measure was introduced, his noble Friend would have been able to have so framed the bill as to remove this defect. He did not mean to oppose the bill, but should content himself with stating this objection.

Viscount *Duncannon* said, that the object of the bill was to prevent the necessity of serving 350 or 360 separate notices, and to enable the Attorney-general for Ireland to proceed, not by separate notice, but by one general notice, on all persons resident in the same diocese. There was no possible way of effecting this object without incurring the difficulty which his noble Friend had stated.

The Earl of *Glengall* said, there was another serious point which had not been mentioned. When those parties came in to object to the order made for the payment of the money, they must first pay the costs incurred in the previous proceedings. He thought this was a hard case.

Viscount *Duncannon* thought it would be the same with separate notices. He regretted these objections had not been mentioned in the discussion that took place a week ago. He had, however, no objection to postpone the bill to this day week.

Debate adjourned.

Poor Law (Ireland) — Clonmel Union.] The Marquess of *Normanby*, seeing his noble Friend opposite (the Earl of Glengall) in his place, begged to state, that Mr. Stanley, the assistant-secretary to the Poor-law Commission in Ireland, was in attendance, and that he was ready to give any explanation, and to answer any questions which might be put to him.

The Earl of *Glengall* moved that Mr. Stanley be called in.

Mr. Stanley, secretary to the Poor-law Commissioners for Ireland, appeared at the bar, and having been sworn, was examined at great length. Their Lordships having in the end ordered the evidence to be printed, and no debate of any consequence having arisen in the progress of the examination, we decline to insert it. Nothing short of the whole evidence, which is voluminous, would satisfy the justice of the case. An abridgement, or imperfect report, would not be acceptable to all parties, therefore we refer to the authorised report printed by their Lordships' orders.

At the close of Mr. Stanley's examination for the day, the House adjourned to Thursday.

HOUSE OF COMMONS,

Tuesday, *March* 16, 1841.

MINUTES.] Bills. Read a first time:—Consolidated Fund; Copyhold; Customary Tenure; and Criminal Justice.—Read a third time:—East-India Rum; Mutiny; Marine Mutiny.

Petitions presented. By Mr. W. Gladstone, Mr. Round, Sir George Clerk, Sir T. Fremantle, Mr. Hogg, Mr. Kemble, Mr. Wilson Patten, and a great many other hon. Members, from Newark, Nottingham, Maldon, Bristol, Buckingham, and a great many other places, against the Medical Profession Bill.—By Mr. Strutt, from Wood-street Chapel, Derby, for the Abolition of Church Rates.

SOUTH WESTERN RAILWAY.] Mr. *Bernal* brought up the Report of the committee on the South Western Railway Bill.

Mr. *Blake* rose to move, that certain clauses be added to the bill, the object of which was, to enable the Company to take possession of lands for the purpose of making repairs. The accidents which occurred rendered it quite necessary that such powers should be given. One instance had occurred, in which, if the landowner had refused permission, the railway must have been stopped. It was not refused by him; but other landowners had prevented the Company from coming upon their lands to make repairs. He had no intention, by taking this course, to infringe upon the Standing Orders of the House.

On the question that the first clause be read a second time,

Mr. *Sheil* should feel it his duty to object to the introduction of these clauses, because, when the bill was originally introduced, no notice was given that such powers would be sought for. These clauses departed very materially from the bill of which notice had been given, and on behalf of the department to which he had the honour to belong, he should feel it his duty to resist them. He believed that an attempt had been made in committee to introduce clauses of a similar nature, but they had been objected to; and surely it was not upon bringing up the report of the bill, at a time when the parties had no notice whatever, that such clauses should be introduced.

Mr. *W. Patten* would also resist the clauses. In his experience upon Railway Committees, he could state, that similar propositions had been frequently made, but, in every case, they had been resisted; and he believed such power had never been allowed in any railway bill.

Mr. *Pease* thought some power ought to be given to the railway proprietors, to make repairs in cases of accident, but, at the same time, he could not say, that he entirely approved of these clauses. It should not, however, be supposed, that because they wished to prevent an attempt being made to obtain powers of an objectionable nature, they also wished to restrain the enterprise of the country.

Mr. *Estcourt* wished to express his great objection to the introduction of such clauses as that now before the House. It had been attempted on former occasions, but the House had rejected them. When the bill was printed, and proposed in the first instance, it did not contain these objectionable clauses, and he believed parties in the vicinity of railways, were not aware of the intention to introduce them. He could not allow the opportunity to pass, without congratulating the House upon the appointment of his hon. Friend, as Chairman of the Committee on Ways and Means. They owed it to the vigilance of his hon. Friend, that this subject had been brought under the consideration of the House. He was sure that it was satisfactory to the public that it was so brought to light, and that attempts were resisted to introduce measures in committee, of which the public had not received ample notice. It was now known, that such attempts would be vigilantly watched, and that his hon. Friend would bring them before the House, and give the House an opportunity of examining them, and of rejecting them if deemed objectionable.

Mr. *Bernal* said, he was glad this matter was brought before the House. He was satisfied that the original evil of this proposition lay in the form in which the notices in the country newspapers were worded. The words were so comprehensive, that they would include almost anything. Persons interested could not be sufficiently apprised of clauses sought to be introduced in this manner. The bill as it stood before the House, was a bill to raise an additional capital. He thought the House should take into consideration the propriety of improving the form of notice. It should be reduced to a Standing Order, that the notices should be more distinct. If such a step was decided upon, the House could then order the petition to be referred to the committee on Standing Orders, it should stand on the same ground as the notice, and thus they would not be satisfied with vague and loose allegation. With respect to the clauses denominated modern clauses, doubts were entertained whether, in legal tendency, they were for perpetuity, or a limited space of years; and it was on that account these clauses were introduced, to do away with any doubt as to the construction of the act.

Mr. *B. Wood* said, that having acted in the committee, he concurred entirely in the opinion that had been expressed by his hon. Friend. He felt that a vast improvement had lately taken place in the manner in which unopposed bills were conducted, but, at the same time, he thought, on the present question, they were treating the Railway Company with some harshness. The clause which was now before the House, was one which was absolutely necessary for the purpose of enabling the Company to keep up the repair of the road. Without that power, it was quite clear, that the road must either be at the mercy of the landowners, or fall to decay. If they had come with the proper notice, there would be no difficulty, he apprehended, in passing the bill. It had been mentioned on the other side of the House, that that was an unheard-of clause. Now he believed, that the clause was introduced into every bill relative to the subject passed within the last one or two years. It was a clause which was established as a model clause, as he understood, and it appeared to him to be a clause essential to the maintenance of railways, and different in no degree from that attached to bills relating to turnpike roads. The reason of the promoters of the bill coming before the House, at that stage, was simply on account of the formation of a new road. He thought that it was rather hard that the Company should now be opposed, because parties said, they were taken by surprise. They came to the House with a clause arising out of circumstances which they could not foresee, which occurred since the first bill was printed—circumstances which involved them in law suits, and might involve them in great difficulty; even between the present time and next year, when they could come anew before the House, the Company might be essentially injured, and the public greatly inconvenienced. Under these circumstances, he was inclined to press the House to agree to the clause.

Lord *G. Somerset* thought, that if the effect of the clause would be to adjudicate in favour of one party, and against the other, that was a sufficient reason against the granting of the clause. The Directors of the Southampton Railway were to have a power of taking 500 yards along the whole line of railway, without taking immediate possession of it, but always keeping the powers thus vested in them hanging over the heads of the landed proprietors. So monstrous a power as that, in whatever shape it might be brought before the House, was, he thought, certain of being negatived.

Mr. *Blake*, after the opposition which he had met with from both sides of the House, would withdraw his proposed clauses.

Clauses withdrawn.

SOUND DUTIES.] Mr. *Hutt* having presented a petition, numerously signed by the merchants and ship-owners of the port of Hull, complaining of the duties levied by the Danish government upon ships passing Elsineur, proceeded to address the House to the following effect:—I am about to bring under the notice of this House the question of the Sound dues. I mean the nature and amount of the taxes which are now levied by the King of Denmark, on British commerce and navigation passing between the Cattegat and the Baltic Sea. The grievance which I come forward to complain of, is, as far as I am informed, wholly new to this House, at least on no former occasion have the Sound dues or their abuses occupied the attention of Parliament. Let no one, however, suppose, on that account, that the evils to which I wish to call your attention are of an ordinary character either to the manufactures, mercantile and shipping interests, or to the general welfare of the country. The real cause of that silence which has so long prevailed in Parliament respecting the Sound dues is, that it belongs to a class of subjects which, unless they can be made matters for party warfare, are never very favorite topics of discussion. Indeed, I must say, with respect to questions of trade generally—and the evidence taken in the course of the last Session on the import duties is a pretty convincing proof of the fact—that questions of trade generally have not hitherto met with an adequate attention, either from the Legislature or the Government of this country. I cannot believe that if the administration of 1814 had been at all alive to the real importance of our commerce with the north of Europe, it would ever have gratuitously revived the antiquated and mischievous pretensions of the King of Denmark to obstruct its operations in the Baltic, by sanctioning the Sound tolls, The Sound toll is an institution at variance with every received maxim of international law—contrary to the universal practice of the civilized world—a direct contravention of those wise principles for regulating international communication authorised by the treaty of Vienna; and I need not state how pernicious to the best interests of our trade must be a power which enhances the prices of our productions in the foreign market, and of foreign productions in our own—which detains ships on their voyage, and exposes their crews to vexatious restrictions and penalties. Still, obnoxious as it may be, there the power is warranted and established by treaty, and so long as that treaty is faithfully observed by Denmark—the state interested in its maintenance—it must be respected by our own. On that point there can be no diversity of opinion. The King of Denmark has acquired a right to tax our commerce and obstruct our navigation so long as he confines himself to the limits of the treaty, on which his right to the Sound dues is founded. But, Sir, if it shall appear that the King of Denmark has violated that treaty, and has exercised authority over our trade which the treaty expressly prohibited—it may, I think, then become a fair subject of doubt and inquiry whether he has not abrogated the contract between us. At all events, if it shall be proved to the satisfaction of this House that the King of Denmark has been in the habit of exacting tolls on our commerce much beyond what is permitted by the treaty between the two countries—if it shall be shown that he has had recourse to expedients for that purpose, not only not warranted by our contract, but expressly and emphatically forbidden by it—under such circumstances I think the House will not refuse to sanction the resolution I have given notice of, but will unanimously agree on this occasion, as it did last year in regard to the State dues, that these abuses must no longer continue. Now, Sir, I feel some confidence that I shall be able to establish to the satisfaction of the House the truth of the cases I have supposed. I shall not fatigue the patience of the House by going into any detailed history of the origin of the Sound dues. It is not necessary to recite it. It is quite sufficient that the Sound dues, having been arbitrarily and sometimes forcibly levied by the kings of Denmark from an early period, were formally recognised and sanctioned by Holland in the year 1645, by the treaty of Christianople. By this treaty, though the right of the king of Denmark to collect Sound tolls on ships and cargoes was admitted, the nature and extent of his tolls were carefully limited and defined, and a tariff or register of these tolls was drawn up with the sanction of the two states, and formally incorporated with the treaty. The tariff contained specific charges for most of the articles then known in commerce; but the treaty stipulated that all articles not named in the tariff should pay a toll of one per cent. on their value, as ascertained at the port of shipment. This treaty—the treaty of Christianople, has been the basis of all subsequent legislation respecting the Sound dues. In the year 1647, the King of Denmark became a party to another treaty with Holland respecting the Sound dues. In this treaty he undertook to maintain all the lights, buoys, and beacons, between the Cattegat and the Baltic, on receiving a stipulated payment from every passing vessel. In 1701 a third treaty was concluded on this subject between the same States, by which all the provisions of the Christianople treaty, together with the tariff, were confirmed, and the rights of the king of Denmark in regard to them more clearly defined and limited. It was ordered, that the treaty of Christianople should thereafter always be literally interpreted; that certain recited fees or perquisites should be paid by all foreign vessels to the Danish officers at Elsineur, that the officers should always be in attendance at certain stated hours, and that the king of Denmark should, on no account or pretext whatever, augment the charges for tolls or perquisites, either in number or amount. These treaties were extended to Great Britain at the time, and in the year 1814 they were all renewed, in all their provisions and in all their force, by the new treaty of Kiel. I now come down to the present time. The king of Denmark regained in the present century his old and antiquated power of levying the Sound tolls. But, Sir, when it is considered, that this power was gratuitously conceded to him—that you not only gave him the power to tax your commerce, but that you agreed also to pay the salaries of the Danish officers by whom this tax was to be collected, that you agreed to submit to many vexatious and humiliating restraints, in order to secure the King of Denmark in the fullest enjoyment of the benefits you had granted him, and further stipulated, that even the lightage and buoyage of the Danish seas should be provided for by dues, separate and apart from the Christianople sound tolls—I think, when you consider all these concessions which you made, at the grievous sacrifice of British commerce, it must be admitted, that you concluded a bargain with the king of Denmark with which he at least ought to have been content, and that the last object he should have attempted would be the extension of his extravagant right. Now, what is the fact? Ever since the treaty was signed has Denmark been engaged in violating the stipulation framed for the protection of commerce. The treaty of 1701 had carefully provided, that an account in great detail should be rendered to every ship passing the Sound of the dues exacted, in order that the merchant might see, that nothing more than the proper dues had been paid on every article of his merchandise. This regulation was carefully disregarded. Not only was not an account given of the dues exacted, but the whole system of charges has been a matter of secrecy and concealment. It was evident, that the legal tariff of 1645 was not in force, but what the scale of charges really was, no one knew, and Denmark took care that no one should learn. About the middle of the year 1839 the Swedish government, after some urgent applications, obtained a copy of the tariff in force, from the highest authority in Denmark. It then became manifest, that the Christianople treaty and tariff had been formally set aside, and one more fashioned to the taste and cupidity of Denmark substituted in its stead. Let me remind the House what the rate for the collection of the dues really was. I will not explain in my own words, or in any language which can be matter of dispute. I will take the expressions of the Crown of Denmark itself, as I find them in the fourth article of the treaty concluded between Denmark and Prussia in the year 1818.

> "The Sound dues shall be paid according to the tariff of 1645, or as Denmark shall agree with the most favoured nations. With respect to the goods not enumerated in the tariff, Prussian subjects shall not pay more than one per cent., as is the case with the most favoured nations."

The tariff of 1645, then, or when not in operation, one per cent., says Denmark, in 1818, is the legal rate. I have examined the tariff extorted by Sweden in 1839, and I find that, instead of one per cent. on the unenumerated articles, five, six, and even eight per cent. have been habitually demanded—that fixed payments have been adopted where the per centage has been ordered, and the contrary, but all with a view to enhance the duty. I find, that wheat flour is taxed at 100 per cent. above the rate ordered in the tariff. Hemp seed ditto. On all articles of wood there was a great exaggeration. Deals of Prussia were to pay thirty-three per cent. above the proper duty. Deals of Sweden and Norway, when above twenty-one feet in length, 1,500 per cent. Laths sometimes as much as 5,000 per cent. above the legal rate. So, again, in regard to cotton and woollen yarn. On sugar, on coffee, and other colonial produce, all the charges are enormously advanced; and this, the House will recollect, is not my statement; it is the statement of Denmark herself—her own admission, as exhibited in the tariff communicated to the Swedish government the year before last, a copy of which is no doubt in the Foreign Office, and at the Board of Trade. I will not trouble the House by remarking on all the other violations of the treaty. It will easily be believed, that when the more important provisions were disregarded, that lesser matters were not very scrupulously observed. In truth, after the bloodshed, and the struggles of centuries, to restrict the Sound tolls within fixed and intelligible limits, we seem to have reverted in the nineteenth century to something like the club-law of the dark ages. The king of Denmark levies the Sound tolls at his will and pleasure, and then, to complete the evil as far as possible, the king of Denmark, in defiance of the laws by which he is bound as one of the Germanic confederation, blocks up the road of communication between Hamburg and Lubeck, and thus forces every article of commerce proceeding to the Baltic into his law-trap at Elsineur. It is impossible to look on this contrivance against the trade and manufactures of this country, and not feel some indignation. Between eighty and 100,000*l.* annually is the king of Denmark to levy in the shape of Sound tolls and dues on our commerce, the taxes being, for the most part, laid upon the export of our manufactured goods into foreign markets, and the import of the raw material into our own—the most mischievous and oppressive of all taxes. But it would be idle to attempt to estimate the mischief sustained by our commerce in the Baltic by the amount of money which is thus extorted. What the king of Denmark receives may be easily computed—what we suffer by the Sound tolls no man can tell. Well, for six-and twenty years this system has been going on. After what I have stated, will any Member doubt it is a system wholly at variance with the faith of treaties, pernicious to our commercial interest, and discreditable to our national dignity? Well, how long is it to last? After the neglect of a quarter of a century, is it not time for Government to step in and insist at least on the faithful execution of treaties? Our trade has, for a long time, been declining with the north of Europe—shall we wait till our flag is altogether excluded from the Baltic? Are you prepared to see that trade, once so large and valuable, extinguished? Can you afford to give it up? Well, but you must give it up, unless you will promptly and vigorously interfere in its behalf. The Sound dues should not only be reduced to their proper limits, they should be abolished altogether—abolished by friendly composition. For such a consummation every circumstance seems now prepared, not excepting the false position in which Denmark is placed by her violation of treaties, and the excessive amount of money she has wrested from our merchants. He knew that the subject was disagreeable to the House; but, though it was thought of little importance there, it was of great importance to his constituents. It merely required that the noble Lord should interpose his authority. And let me tell him that it will be no inconsiderable addition to any acts of his political life, for which he is honoured in our own day, and by which he will be remembered hereafter, if he should be the man to rescue British commerce from ignominious and ruinous thraldom in the Danish seas. I will therefore move,

"That, in the opinion of this House, the tariff of Sound dues now levied at Elsineur is not a tariff which the king of Denmark is entitled to maintain; and that the Sound dues require such a revision as will facilitate the commercial relations of this country with the Baltic ports."

Viscount *Palmerston* said, that his hon. Friend need make no excuse to the House for drawing the attention of the House or of the country to this question, because it was a subject of great interest, and nothing could be more fitting or dispassionate than the mode in which the hon. Gentleman had introduced it. He was not going to dispute any of the propositions put forth by his hon. Friend. He could do no better than say, that his hon. Friend's statement, as to the Sound dues, was almost the case of the British Government against the government of Denmark. It was far from his intention to weaken any of the positions which the hon. Gentleman had sought to establish. He could assure the House, that this subject was not now for the first time brought under the consideration of the Government. Indeed, the ground on which he should request his hon. Friend, as a matter of discretion, either to withdraw his motion, or not to resist the motion of the previous question, was, that the subject which had for some time past occupied the serious attention of Government, and that they were at this moment in negotiation with the government of Denmark upon the matter, and that consequently any expression of opinion on the part of the House, such as was then proposed, would be an unfitting and an inexpedient interposition of Parliament in a negotiation pending between the British crown and the crown of Denmark; and more especially when he considered the disparity of strength of the two countries, he conceived that the interference of Parliament would be not only inexpedient, but that it would have the appearance of being somewhat ungracious. Government did some time ago make a communication to the government of Denmark on this point, through the Minister at Copenhagen. The result of this communication had been, that the Danish minister in this country, who was then away on leave of absence, had returned specially for the purpose of carrying on a negotiation upon the subject; and he felt it due to the government of Denmark to say, that in the communication which they had made upon the subject, they had evinced a fair and candid disposition to enter into the question with a view to the arrival at a satisfactory termination of the question. He agreed with his hon. Friend, that they could not justly dispute the payment of any duty which could be shown to be legally exacted under a tariff, but they contended that the great proportion of the dues levied in the Sound were not properly levyable under the treaty. In one point he could not agree with what had fallen from his hon. Friend; he meant in thinking that whatever might be the oppressive nature of the duties, they had in fact diminished the commerce of Great Britain with the Baltic. It was certain, that they had tended much to divert the channel of that commerce; but a statement which had appeared in a pamphlet, the authority of which his hon. Friend, he thought, would be the last to question, showed that not only had not the amount of tonnage leaving Great Britain for the Baltic during the last few years diminished, but that it had actually increased. But it was certain that the channel of commerce was changed; that a great deal of that which should have gone through the Sound, had passed through other sources; and this was a point which should weigh materially with the Danish government, because it should show them that the maintenance of this duty did not add to their revenue, and that by reducing the amount of the tolls which they demanded, so as to bring back the commerce of the country to its natural channel, in truth the revenue of Denmark would sustain no important diminution, if, indeed, it sustained any diminution at all. Having stated thus much, and having expressed his hope that the negotiation which was already on foot would be brought to a conclusion, not only long before the period anticipated by his hon. Friend, not only before a quarter of a century had elapsed, but before a quarter of a year had passed away, he begged to state his desire, that his hon. Friend would either withdraw his motion, or would abstain from taking the sense of the House on an amendment for the previous question.

Sir *R. Peel* said, that if there were any real intention to bring the subject to a satisfactory conclusion, the hon. Member for Hull could have no difficulty in withdrawing his motion. But the noble Lord had said, that this was a pending negotiation. If for years a foreign power refused to do that which it was just it should do, he thought that could hardly be taken to involve a pending negotiation. For several years a claim had been made by Great Britain that Denmark should restrain herself to the stipulations of her treaty. The noble Lord admitted, that the duties were not in conformity with the treaty. Who was to interfere then? No one wished to resort to violence; but if the Crown could not procure redress, and years passed away, and it was admitted, on the part of the Crown, that the solemn representations which had been made had had no effect, he thought that the time had arrived when the House of Commons should come forward, and in temperate language fortify the Crown in the proceedings which it had taken. The noble Lord had stated that which appeared to him to be perfectly fallacious. He said, that there had been no diminution of the commerce of Great Britain with the Baltic, but that was no test. Duties were exacted which ought not to be paid, and if there was fair ground to suppose that an increase was prevented by that means, that was the mischief which was complained of. The question of whether there had been a diminution in the trade or not was not a fair question. First of all, if the stipulation of the treaty gave us a right to a moderate duty only being imposed, we had a right to pay no more than that duty, notwithstanding any supposed effect which might be produced of increase or diminution. But further, if the effect of the imposition of the duty had been [to divert the commerce of the country from its proper channel, that was also a great ground of complaint. Every one wished that the prerogative of the Crown as to foreign negotiations should be kept as free as possible, and the less the House interfered the more they increased the probability of a settlement being arrived at under ordinary circumstances. But if there was a long-continued pertinacious refusal to come to an understanding, that was a ground upon which the House of Commons might interfere. He hoped that the manifestation of opinion on both sides of the House as to the claim of this country, urged not in an angry tone, would have its proper effect, and that so many existing reasons for the maintenance of a proper understanding would be shown as to induce a fit termination to the present negotiations. If the hon. Member for Hull withdrew his motion, he could not help thinking that the general opinion which had been manifested on the part of the House would have the effect which was desired, and would dispose the Government of Denmark to do that which was right. But if the hon. Member found that this course failed in producing its proper effect, he would still have the power of again bringing forward the present motion, and he (Sir R. Peel) for one should be prepared to support it.

Mr. *Labouchere* thought, that the right hon. Baronet had entirely misunderstood the statement of the noble Lord, if he was under an impression that he had not expressed an opinion that these duties, as they now existed, were a heavy burden upon the country, and that it was the duty of the Government to urge on the government of Denmark with as little delay as possible the justice and propriety of putting them upon a proper footing. When the noble Lord had alluded to the circumstance of there having been no actual decrease of trade, he had done so for the purpose of correcting an inaccuracy in the statement of the hon. Member for Hull, and not at all meaning to say, that on that account it was less the duty of the Government to press this case on the attention of the Government of Denmark. The right hon. Baronet had said, that when there was no redress afforded on a matter so long standing, they should go out of that course which was allowed to be the most desirable. There would be much weight in the argument of the right hon. Baronet if it were the fact that the application made to the Government of Denmark had been neglected and refused; but, in justice to that Government, it was fair that he should remind the House, that only lately, indeed for the first time last year, had any such application been made. He did not think, that the present Government, or that which preceded it, was to be blamed for the present state of things. The noble Lord had stated, that negotiations were now going on between the English and the Danish governments, and that Denmark had met those negotiations by avowing at once that it was necessary that these dues should be thoroughly revised with as little delay as possible; and there was every reason to believe, that a satisfactory conclusion would be arrived at. He thought the more dignified and proper course would be, to allow time for the purpose of ascertaining whether the anticipations of the Government were or were not fulfilled, before Parliament interposed by expressing any opinion on the subject. The importance of a final settlement of the question had been impressed upon the attention of the government of Denmark, before the navigation of the Baltic was re-opened, and they had expressed their willingness to accede to this proposition so far as it was possible, but as the question was one of long standing, it was found impossible to come at once to any conclusive arrangement; but, in order to prove their good will, they expressed themselves willing to make concessions on some of the points which were the subject-matter of the negotiation. These concessions were no doubt inadequate to the just expectations of the country, but they were not made with a view to delay, and they had been accepted. He hoped, after the statements which had been made, the hon. Member would withdraw his motion, more especially as he found the Government disposed to do all that was fit to be done in the case.

Mr. *A. White* thought, that the hon. Member for Hull was entitled to the thanks of the shipping interest for bringing forward this motion to the attention of the House, but as the noble Lord had stated that negotiations were in progress for the purpose of having the duties put upon a proper footing, he thought, that it would be better for his hon. Friend to withdraw his motion, and accede to the proposition which had been thrown out.

Mr. *Pease* was happy to hear that the subject had already fallen under the consideration of the Government; it was a matter of material importance to those individuals whom he had the honour to represent, and he sincerely trusted, that measures would be taken by which the entire abrogation of the duties would be secured. He had been surprised to hear it stated, that the subject had been recently for the first time brought under the notice of the Government, because undoubtedly in 1836 it was a matter of discussion in the public newspapers, and some correspondence had beeen published, amongst which were some letters written by the noble Lord who was now the Governor of Canada. He joined with those hon. Gentlemen who had preceded him in recommending the withdrawal of the present motion.

Mr. *Villiers* presumed his hon. Friend would allow the previous question to be carried, leaving his resolution on record; but he hoped he would not now lose sight of his original object. It seemed doubtful, from what had been said, whether concessions that would be considered satisfactory would be made by Denmark, though his hon. Friend had only insisted upon the obligations of a treaty being fulfilled; but he joined with the hon. Member for Durham in urging upon his hon. Friend to persevere until he should obtain the total abolition of these obnoxious dues. They were, in these days, a scandalous interruption to the commerce of the world; and not only England, but every state trafficking with the Baltic complained alike of them, and were, in fact, watching the move against them being made in this country. They were, in truth, imposed with no more justice than if this country at any time chose to levy tolls on the trade in the British Channel. The same plea might be urged, and the same injury to foreigners inflicted. The country was obliged to his hon. Friend for bringing the subject forward, and he thought the House encouraged him to persevere.

Mr. *Hutt* replied. He had reason to be gratified with the explanation which had been given by the noble Lord the Secretary for Foreign Affairs, and that the satisfaction which he felt was in no degree diminished by the guarantee given by the right hon. Baronet opposite, that he believed the question was one which was worthy the consideration of the House. He adopted the opinion of his hon. Friend the Member for Wolverhampton, that these duties should be altogether abolished. The prospect which now presented itself to him was most agreeable to him, and he had no hesitation, after the manifestation of opinion on the part of the House, to allow his motion to be negatived, and the previous question carried.

The amendment was then put and carried.

CHURCH RATES—PETITION OF WILLIAM BAINES.] Mr. *Easthope* begged to move that the petition of William Baines, now a prisoner in the county gaol of Leicester for non-payment of Church-rates, presented on the 2d of February, be printed and circulated with the votes. He could scarcely imagine, that in a case in which the personal liberty of one of her Majesty's subjects and the religious feelings of a very large class of persons were concerned, there could be any opposition to the motion.

Mr. *Goulburn* said, that the petition having been presented so long ago as the 2d of February, he thought it probable that it would have been referred to the committee on public petitions.

Mr. *Easthope* said, that it was his intention to submit a motion to the House on Thursday next upon the subject of the petition, and he thought that it should be in the hands of hon. Members, in order that they might be aware of its contents.

Viscount *Howick* thought, that the hon. Member had not made out a sufficient case to entitle him to call upon the House to print this petition. It would be in the recollection of the House, that the committee of which he had had the honour to be chairman, and which was appointed for the purpose of considering the general subject of printing petitions, had made strong representations to the House that petitions should not be printed with the votes, unless in those cases where the subject was not only brought under consideration, or where the matter was of pressing and urgent importance. The hon. Member for Leicester said, that this petition had not been ordered to be printed, and for anything that had been stated, it might be inferred that the committee on public petitions were not aware that this petition had been brought forward, for if they had been aware of it, there was no reason to doubt that they would have ordered it to be printed; or, if they had not done so, that they had taken that course on the ground that it contained something improper, in the shape of some reflection on the private character of individuals. He did not mean to say, that this was the case, but he said, that it was not impossible that that was the motive by which the committee had been actuated. It appeared to him, therefore, that the hon. Member had not shown that there was anything so urgent in the case as to justify a departure from the rule which had been established. It must be obvious, from the number of similar notices which were placed upon the paper, that if they did not set their faces against the adoption of the course now proposed, they must give up the general rule which had been laid down. Each hon. Member would think his own case the most important—the affairs of his own constituents those which should be first attended to, and thus, little by little they should break down the rule which had been hitherto found to work extremely well for the purposes of that House and of the public business. For these reasons, he felt himself called upon to give his opposition to the motion, suggesting to the hon. Member that he should bring the matter under the attention of the committee on public petitions, by whom, he had little doubt, it would be printed.

Mr. *Easthope* had thought that there could be no possible objection to the printing of the petition under the circumstance of his having given notice that he intended on Thursday to make it the subject of a motion in the House. He begged to state that there was nothing contained in the petition that could reasonably raise the doubts and objections which had been referred to by the noble Lord. He had not imagined that he should be usefully employing the time of the House in stating the grounds on which he thought that it was desirable that this petition should be printed. In the first place, it was impossible, upon a careful perusal of the petition, to say, that there was any objection to it of the class that had been suggested, it was a mere statement of the circumstances of the case, which had led to the confinement of the petitioner. It stated the time during which he had been confined, and the reasons which had led him to suffer this imprisonment rather than comply with the demand made upon him; and it then went on to pray that the House would adopt such measures as to them should seem meet to procure his release. It was to be remarked, that this was a case similar in its nature to those in which the House had, on two former occasions, pronounced an opinion that the cause, from which the individuals who had petitioned were imprisoned, should be removed. It was a case in which, by a resolution of the House, it had been declared that such a process of the ecclesiastical courts ought not to be put in force. If he understood the object of the noble Lord rightly, it was to prevent the printing of the petition, which it was desired should be printed in order that the subject might be brought before the House, with a view to some practical relief being afforded. Believing, as he did, that no valid objection existed to his motion, and feeling that there would be a great deal of hardship in saying to the petitioner, "your petition shall not reach the hands of all the Members of the House," he was induced, and he hoped not improperly, to press that the petition should be printed.

Mr. *Warburton* hoped that the House would accede to the motion of his hon. Friend, because he thought that the case was strictly within the rule which had been laid down with regard to the printing of petitions. The rule was, that a petition might be printed when, within a reasonable time of its presentation, the petition itself was to be the subject of a motion, and, therefore, first of all, the proposition of his hon. Friend came within the rule which was prescribed. But even supposing that it was not so, exceptions might be made in cases where the individual petitioning was actually in prison. But there was a third ground, also, upon which he should support the motion. By the regulations which had been made, the House had already so narrowed the opportunities which any hon. Member of the House had of hearing a debate on the merits of a petition, compared with the old practice which prevailed, that he should be exceedingly jealous of restraining any further the already circumscribed right which existed upon this subject. He, therefore, hoped, that the petition would be allowed to be printed, and laid on the Table of the House before the day on which the motion of his hon. Friend was fixed to come on.

Lord *Stanley* said, that it seemed to him doubtful whether the House should acquiesce in the motion of the hon. Member for Leicester, because this was a case in which the printing or not printing of the petition had not come under the consideration of the committee, to whom in ordinary cases the question of printing petitions was referred. It was not the case of a petition which had been presented within a short time. It had been presented to the House on the 2nd February, and within a few days, therefore, of the commencement of the Session, by reason of which the attention of the committee would almost certainly have been directed to it; and it was to be observed, that to this time that committee had not ordered the petition to be printed, although they had printed others of more recent date. The inference was, that in the petition itself some ground existed which led them purposely to abstain from printing it; and if that were really the case, undoubtedly this would be a strong ground for refusing to accede to the motion. He hoped, therefore, that the hon. Member for Leicester, in order to avoid the inconvenience that had been pointed out by the noble Lord, the Member for Northumberland, would assent that the House should direct that the petition should be printed with the votes, for the use of Members only.

Mr. *Easthope* would have no objection. As he understood the hon. Member to have no objection to having the petition printed with the votes for the use of Members only, he hoped that the House would agree to the printing of the petition with the votes.

Mr. *Labouchere* said, it was absolutely necessary that the House should act upon some general principle, unless a particular instance requiring an exception arose. With regard to the present petition, as it had been said, that there might be something objectionable in it, he felt bound to say, that having read it through, he found that it was impossible that any petition could be more properly worded, or less objectionable on that score to be printed, should the House think fit on other grounds to do so. The difficulty he felt, however, was this—that it was the rule of the House that no petition should be printed unless it had immediate reference to some motion which some hon. Member intended to found upon it; and he would, therefore, be very much disposed to determine his vote according to the answer which the hon. Member for Leicester might give to the question, whether or not he meant to confine his motion on Thursday to the particular grievance complained of by the petitioner, or whether he meant to enter into the other general questions which were referred to at the commencement of the petition. Here was a petition, in which the petitioner stated, that he was in prison, suffering from the existing state of the law. If the motion of his hon. Friend contemplated the release of the petitioner from prison, then he certainly thought that the petition ought to be printed; but if the motion of the hon. Member was intended to be a general motion on the subject of church-rates, then, he apprehended, the House could not print the petition without infringing the rule on that subject. It might be thought he was, under the circumstances, attaching too much importance to this rule, but equality in their course to all petitioners be considered essential. If, therefore, the hon. Member stated that his motion would have a retrospective effect, with a view to the relief of the petitioner from the grievance under which he now complained to be suffering, then he (Mr. Labouchere) would have no objection whatever to vote for the printing of the petition.

Mr. *Brotherton* said, it was the rule of the committee never to print petitions from individuals unless they complained of personal injury; but had the hon. Member for Leicester stated to the committee what his wishes and intentions were, he did not think there would have been any objection to the printing of the petition.

Mr. *Baines* said, his hon. Friend had put the question upon an intelligible ground, when he said, that if the petition related to personal grievance it would be printed as a matter of course. Now, if being in prison, for the non-payment of church-rates was not a grievance, he did not know what could be held to be one. The fact was, that this petition was general, but the grievance was personal. There seemed to be some objection still entertained by the noble Viscount (Viscount Howick), but he thought the grounds of that objection were now very much narrowed.

Mr. *T. Duncombe* said, the right hon. President of the Board of Trade had said, that as the rule had been laid down it ought to be adhered to. On that very ground he maintained that this petition ought to be printed. The rule of the 9th February, 1839, was, that all petitions on which hon. Members wished to found motions should be printed, the hon. Members giving notice of their motions. That was the rule; and it had never been questioned until, in the early part of the Session, the noble Lord opposite had very properly called the attention of the House to the subject, and had suggested that the petitions so printed should be confined to the use of Members themselves, in case they should contain libels or matter that would be disagreeable to individuals. On that proposition, which he thought very reasonable, the House came to no result; but he would be ready to vote for it, should the noble Lord press it at any future time. What was the state of the case at present? The hon. Member for Leicester, seeing that the printed papers' committee had not printed this petition on which the hon. Member had given notice of a motion on Thursday, came down and called upon the House to print the petition two days before that motion would come on. The objection to the printing of the petition was, that it would be an infringement of the rule, but he maintained that, in this case, the rule had been strictly adhered to; and therefore, on the showing of the right hon. Gentleman, the House ought to accede to the printing of this petition. There were, also, other reasons why he thought it would be advisable on their part to print the petition. There already existed out of doors a very strong feeling, that the right of petitioning was narrowed and limited more and more every day—that the House were constantly encroaching upon the right of petitioning. If the printing of such a petition as this was refused, it would go to confirm the public in the belief, that their right of petitioning that House was becoming a mere mockery; in fact, it would be adding insult to the delusion which they already believed to be practised upon them.

Sir *George Grey* did not think the question which had been put to the hon. Member for Leicester by his right hon. Friend was an unreasonable one, and he could not help thinking, that their means of coming to a decision would be very much increased if the hon. Member would answer it. If the construction to be put upon the rule of that House with regard to the printing petitions was to be that which had been put on it by the hon. Member for Finsbury, he could not but think, that the rule would be utterly valueless, and that the sooner it was rescinded the better. If the hon. Member for Leicester would state, that he really did mean to found a motion on the petition—if he would state, that he did not mean to bring on the general question of church-rates, but merely to attempt to redress the grievances of the individual petition—then he would at once vote for printing the petition.

Mr. *Ward* did not think the rule that had been just laid down by the right hon. Baronet was at all conformable to the usual practice, which was, that on presenting a petition the hon. Member, if he wished to have it printed, was required to state, that within fourteen days he should make a motion upon it. When he remembered the manner in which petitions of the people were dealt with by that House, and that in fact they only could be debated upon such notices as that which the hon. Member for Leicester had given, he really did think it would be most unbecoming if, on any score of inconvenience or economy, which he understood to be the objection of the noble Viscount, they refused to print a petition after the strict rules of the House had been complied with, as in the case of this petition.

The *Chancellor of the Exchequer* understood, that the objection to printing petitions from individuals was, that, under the character of petitions, they were often in the habit of presenting certain pamphlets of their own; and that, therefore, unless the individual complained of some grievance to himself, the rule was not to print the petition except under the circumstances that had been specified. He confessed, he thought the present was a case in which the petition ought to be printed, but at the same time it depended entirely upon the answer which the hon. Member for Leicester might give to the question that had been put to him by his right hon. Friend. He did not see what mystery there was to prevent the hon. Member from making this statement. If the hon. Member intended to confine himself to the individual grievance, and not to enter into the general question of Church-rates, he did not see what objection there could be to the printing of the petition.

Sir *R. Peel* said, it should be borne in mind, that since the rule was adopted that had been referred to by the hon. Gentleman, a committee had been appointed to consider the question of the whole privileges of that House, particularly with reference to the printing of papers. That committee, of which, if he was not mistaken, the hon. Members for Leicester and Bridport were Members, considering the injustice that might be done by printing libels on private character, and the embarrassments in which the House had been involved in consequence of the general practice, came almost unanimously to a resolution, recommending that all such papers should be referred to the committee on printed petitions, unless in cases where the subject would not admit of that delay. He was bound to admit, however, that this recommendation had not yet been adopted by the House, but he thought, that the House would be disposed to attach considerable weight to that recommendation, and to adhere to some established principle. The terms of the general notice on the journals was, that all petitions on which any hon. Member meant to call the attention of the House should be printed with the votes, the hon. Member giving notice of the day on which he meant to bring forward the motion. Now, when the hon. Member presented the petition, did he give notice of the day on which he meant to bring forward a motion founded upon the petition? The hon. Member gave notice of a general motion on the subject of church-rates, which he afterwards postponed till after Easter. He then, long after the presentation of the petition, gave notice of another motion connected with that petition. He then moved, that the petition should be printed in order to meet the motion and did not make his motion in order to meet the petition. He called on the House to print the petition, although it had been presented so long previously. He put altogether out of the question the nature of the petition. It would be most unfair to refuse to print the petition because it related to Church-rates, while it would be equally unfair to give that petition a preference over every other. It was absolutely necessary, that the House should act upon some general rule as regarded all petitions, because if they did not, the result would be most invidious, as every man of course thought his own petition of the utmost importance. The hon. Member in this respect had not adhered to the rule of 1839; and, unless he signified his intention to bring forward a motion, not on the subject of Church-rates generally, but on the particular grievance detailed in the petition, he certainly had no ground for exemption from the operation of the general rule. He thought, also, that if the hon. Member acceded to the request made of him, and the result was, that he meant a specific motion, and, therefore, that the petition was printed, then that it should be printed with the votes for the use of Members according to the suggestion of his noble Friend. But at all events, he thought the hon. Member was bound to state whether his motion would be of a general nature, or apply to the specific grievance complained of by the petitioners.

Mr. *Easthope* had already stated, and stated in perfect good faith, that he did intend on Thursday to submit a motion to the House, grounded on this petition; and he now stated, with equal sincerity, that he had no intention to enter on, but a determination to abstain from the discussion of the general question of Church-rates. This led him to remark upon what had fallen from the right hon. Baronet opposite, that he ought, when he presented that petition to have stated to the House, that it was in his contemplation to give an early notice of some measure on the subject. When he presented that petition, he had it in contemplation to give an early notice for some measure connected with the general subject of Church-rates, which would also have included the consideration of the grievance complained of in this petition. Since he had given notice of that motion, however, it had been urged upon him by the parties connected with the general question to delay that motion till a more advanced period of the Session. At the same time that he acceded to this request, he felt that he ought not to delay bringing under the notice of the House the specific grievance of this petitioner, with a view to assisting in obtaining his release from prison. His object, therefore, on Thursday would be to submit a motion to the House to further that purpose, and not for the purpose of engaging them in a full and general discussion on the question of Church-rates. With regard to his motion for the printing of the petition, he avowed, that having a motion on the orders to take that petition into consideration, he did feel it a matter of course that as the committee on printing had not printed the petition, it ought to be printed, in order that hon. Members might have recourse to it in the discussion which would arise upon it on that day. Indeed, he could not help thinking, that had he entered into a discussion on that petition on Thursday next, without having previously moved that it be printed, in order that it might be in the hands of every individual Member, it would have been matter of just complaint against him that the petition was not sufficiently known, and that, therefore, the House were not in a position to take it into consideration. And he confessed, he laboured under no ordinary degree of surprise, that in a case where an individual was suffering the infliction of imprisonment, and a large and populous locality was under the deepest feeling of excitement, the House should be disposed to interpose any technical forms or slight objections, or should do otherwise than give the kindest and fullest attention to the grievance complained of, with a view to its redress. He hoped, that he had made his purpose and his sentiments intelligible to the House, and he hoped also, that it would be felt that never, while he held a seat in that House, would he attempt in any unfair manner to bring on any discussion. He repeated, that on Thursday it was not his intention to bring on the general question of Church-rates, but to apply himself exclusively and entirely to the subject of the grievance complained of by the petitioner.

The *Attorney-general* hoped the House would now be nearly unanimous in ordering the petition to be printed. No doubt the hon. Member for Leicester had not strictly followed the order of the House, as he ought, at the time of presenting the petition, to have stated when he meant to bring the subject before the House. He had now stated, however, that the motion would relate to the personal grievance of the petitioner, and he, therefore, did not see what further objection there could be to the printing of the petition.

Viscount *Howick* would not offer any further opposition, but, at the same time, he felt bound to say, that the hon. Member for Leicester would have done better had he made, in the first instance, that communication to the committee which they had the authority of the hon. Member for Salford for assuming would have led to the petition being printed.

Lord *Stanley:* Did the hon. Member object to the circulation of the petition being limited to Members of that House?

Mr. *Easthope* did not

The *Attorney-general* concurred in the propriety of the limitation to Members of that House, because, having been invested with the unlimited power of printing, they ought to use it with the utmost caution.

Petition to be printed with the votes.

ENROLMENT OF BURGESSES.] Mr. *Baines* moved for leave to bring in a "bill for the better Enrolment of Burgesses of Boroughs divided into Wards in England and Wales, and for altering the time for certain elections in such boroughs." The hon. Member stated, that the object of the bill was to obviate the difficulty of obtaining the registration of burgesses in certain boroughs within a certain time, and the disfranchisement that frequently ensued therefrom. The causes of the introduction of the bill were fully stated in the petition which he presented a few days ago.

Leave given.

CRIMINAL JUSTICE.] The *Attorney-general* moved for leave to bring in a bill to facilitate the administration of criminal justice in certain boroughs in England. He did not apprehend any opposition from the other side of the House, for there was not a single Member on the Conservative benches, though there were upwards of twenty on the Ministerial side. The bill was intended to remedy evils that had arisen under the recent charters of incorporation to Manchester and Bolton. It had been supposed, that the corporation had the power either of building a gaol or of contracting with the county magistrates for the maintenance of prisoners in the county prison; but it was objected that they could not do this, there having been previously no gaols in the towns. He had not urged the matter until the disputed legality of the matter was settled by the Court of Queen's Bench. But the question was now decided in favour of the charters, and he now applied for leave to bring in the bill. The object of it was, to allow the corporations to borrow money to build gaols in their own boroughs, and to enable them to contract for the maintenance of the criminals in county prisons. During the difficulty that had prevailed, much obstruction had been offered to the administration of justice, which would now be removed.

Leave given.

Adjourned.

HOUSE OF COMMONS,

Wednesday, March 17, 1841.

MINUTES.] Petitions presented. By Mr. Easthope, from inhabitants of Leicester, against, and by Mr. Hawes, from the Medical Association of Ireland, the Delegates of London, and from Newcastle-on-Tyne, Gateshead, and North and South Shields, and other places, in favour of the Medical Reform Bill.

Stafford and Rugby Railway.] On the motion that the Stafford and Rugby Railway Bill be read a second time,

Mr. *Gisborne* moved, that the second reading be postponed until the 24th instant in order to allow time for the Report of the Government Railway Commissioners (presented to the House on the 15th instant), on the subject of the best line of railway communication between London, Edinburgh, and Glasgow, to be printed, and in the hands of Members, as such Report contains information bearing upon the merits of the proposed measure.

Lord *Francis Egerton* was understood to refer to the Report of Sir Frederick Smith, and to say that there was nothing in it that directly affected the bill. But whatever was in it, he would give notice of a motion which should bring it under the full consideration of the committee. He thought the House would see no reason for delaying the second reading of the bill, and he should therefore oppose the motion of the hon. Gentleman.

Mr. *Labouchere* did not rise for the purpose of expressing any opinion on the merits of this bill, but, on the contrary, he did not consider this to be a case on which the situation in which he stood called upon him to express an opinion, He thought it was a subject on which every Member of the House could give an opinion, and he should therefore act in accordance with his general rule, namely, to abstain from all interference with the private business of the House, except some principle was involved which he thought called for his interference. The only reason, therefore, for his rising was to ask the House to allow him to make an observation on account of an allusion that had been made to the Report of Sir Frederick Smith. That Report was upon the Table of the House, but was not printed. He had asked Sir Frederick Smith yesterday what was the nature of his observations on this particular railway. Sir Frederick Smith assured him they were entirely of an incidental nature, and did not go at all into detail; consequently he felt bound to state, that he thought the House would be satisfied there was no reason to delay the consideration of that bill on account of the Report of Sir F. Smith. Whether it was advisable that the bill should be read a second time to-day, it was not his intention to express any opinion, but he thought it his duty to furnish the House with such information as he possessed, to enable them to come to a correct conclusion on the subject.

Mr. *Wilbraham* wished to state the reasons why he should vote against the second reading of the bill. He had voted two years ago in favour of the original bill, but it was then in a different situation. It was then an extension bill. But the bill which the House had passed was abandoned—and therefore the whole thing now stood in a different position. It was then an extension bill, but now there was no other place to extend it to, and therefore, though he voted for the former measure, he was consistent in opposing the present. The bill was only brought in for the purpose of standing in the way of any great measure which might come before the House in the course of a few years. The object was merely to pre-occupy the ground. The promoters of the bill never intended to carry the project into execution. They desired to exclude any more direct communication with the central and manufacturing districts than was afforded by the Grand Junction Railway. They wanted to perpetuate the monopoly of that line. He therefore thought himself bound to oppose the bill, and if it were not withdrawn he should move that it be read a second time this day six months.

Mr. *Mark Philips* was surprised to hear the statement of his hon. Friend, that the only intention of the projectors was to preoccupy the ground against any other railway. On the contrary, he could assure the House that his hon. Friend had formed a very erroneous estimate of the character and motives of the Gentleman who had promoted this bill. He held in his hand a petition from a large number of the most respectable inhabitants of Manchester in favour of the measure, and he could assure the House, that the districts which would be affected by it were almost unanimous in its favour, and that it would undoubtedly be completed if the House gave it the sanction proposed in the present bill. No bill had ever been more thoroughly sifted in committee than this. The estimates which were laid before the committee in 1839 had never been questioned, and they were as moderate as any ever known. The levels were of the most favourable kind, and the whole line was calculated greatly to improve the communication between the central counties and Liverpool, and the metropolis. The money had been *bonâ fide* subscribed, and ten per cent. had been deposited. The first bill had been withdrawn in consequence of the state of the money market. But in the short time that had since elapsed the new company had been formed, and all its capital had been subscribed, notwithstanding that it was proposed at a time when the money market was still depressed. This showed the confidence of the public in the utility of the measure, and in the intention of the projectors. [*Cries of "Question."*]

Sir *Robert Peel* supposed that any Gentleman who called "Question," would vote for the motion that the bill be referred to a committee. He supposed they agreed with him, that the House was not the fittest arena for the discussion, and that its merits could best be ascertained above stairs. He had a duty on this occasion to perform to his constituents, who had intrusted him with a petition, signed by 700 of the most respectable inhabitants of Tamworth, in favour of the bill. He agreed with the right hon. Gentleman opposite (Mr. Labouchere) that a person in that right hon. Gentleman's position in that House ought not to interfere with a private measure, unless it involved some public principle. Although he was only a private individual, yet from his long connexion with office, it might be supposed that he possessed some influence with a part of the House, and he therefore abstained on the same principle as the right hon. Gentleman from interfering in private measures. But the interest which his constituents felt in this bill obliged him, as their representative, to state his reason for giving it his support, assuring hon. Gentlemen at the same time that he had never attempted to influence the vote of any individual upon the subject. The proposed railway had several recommendations. In the first place it would connect the two important termini, London and Liverpool, with the inland counties. by a communication nine and-a-half miles shorter between Manchester and Liverpool, and thirty-nine and-a-half miles shorter in the line with London, the gradients on the new line were much more favourable than on the old line, and of course it was a competing line as regarded so much of the London and Birmingham line, and so much of the Grand Junction line as extended from Rugby on the one hand and Stafford on the other. It professed to make a new line along the valley of the Trent, which was the most judicious line, taking into consideration the features of the country. Now, the average of the gradients on the present line were one in 545, in a length of fifty and-a-half miles; the average of the gradients on the proposed line were one in 650, in a distance of thirty-nine miles, effecting a saving of nine and-a-half miles, and obtaining much better gradients by taking the valley of the Trent, which was the proper line of level. The subject had been before previous committees of that House, and he trusted they would not now sanction any further delay. A great portion of the same line was before the House in 1839, and it was met in this way, 459 objections of a trivial character were raised before the Committee of Petitions, and only forty-six of these objections were referred to the Standing Orders Committee, and after four days discussion the Standing Orders Committee dismissed them all. The House would bear in mind that the bill was in committee for sixty-two days. and the battle fought was a battle of delay. Five members chosen by the committee of selection, who had no local interest in the matter, were placed on the committee. They heard the whole of the case, and the whole of the five selected Members, consisting of gentlemen who had no local interest, were in favour of the bill, and came to a resolution to the following effect. It was a very singular one, and only justified by the nature of the opposition the bill had received:—

> "That the committee, after an inquiry unusually protracted, had come to a resolution in favour of the bill, and in case the late period of the Session at which their labours had terminated, would render the parties unable to submit a bill to the other House of Parliament, they advised the House that every facility should be afforded to the promoters of the bill in a future Session, that the rules of the House permitted."

Now, he did not mean to deny that the present was an important competitor to existing lines. It was a formidable one from its very nature. They could not save nine and a-half miles between Liverpool and London, or between London and Manchester. They could not have a line without tunnels and very favourable gradients without making it a formidable competitor to the existing lines. But was it right that these great monopolies the House has created should have the power of crushing every rival establishment, on the ground of an interference with their interests. What became of the interests of the post-masters and the canal companies, when these railways were first established? Was it not said that these interests must give way to the convenience and advantage of the public? and now these monopolists turned round and told the House, that it must have a regard for vested interests, and that it must on no account interfere with the monopoly of the existing railway companies. If the House of Commons refused inquiry into a proposal like the present for a competing line, they would be perpetuating one of the completest monopolies that ever was established. If the opposing party said that they were a small establishment, making very small profits, and that their success was yet doubtful, there might be some ground for the present opposition. But what was the fact with regard to the London and Birmingham Railway? He could assure the House that 20,000*l.* had been offered to the promoters of the present scheme to induce them to withdraw it, and the London and Birmingham Company were well able to make such an offer. What were these profits. They had divided ten per cent. upon their paid up capital. They had made that of profit, and therefore he thought they had no right to come forward and oppose the establishment of another undertaking. There was one objection to this railway, and only one; he did not wish to hide it from the House, the proposed line was intended to join the two other lines at two points of existing railways. The question for consideration was, would the public safety be compromised by such junction—would the saving in point of time exceed the delay which must necessarily take place in consequence of the precautions requisite for the public safety? That was a fit subject for consideration, but it was for the consideration of a committee; let them send the bill to a committee, and let them call Sir F. Smith before the committee, and inquire fully into the merits of the whole case. A fair case had been made out for sending the bill to be considered in committee, and after the opposition which the company had met with, he trusted the House would not permit an effectual opposition to be made to it in that stage. He appealed to the gentlemen of Ireland, and the gentlemen of Scotland—they were deeply interested in the matter, and, with their assistance, he trusted the bill would be fairly considered in a committee up stairs.

Lord *Stanley* said, that whatever might be the decision to which the House might come, he hoped that they would not be led away by that argument to their own impatience which his right hon. Friend had addressed to them, because, although it might be very convenient for Gentlemen who were tired of a discussion, to say that it was not a subject fit for their consideration, there was no place where it could be so well considered as in that House. At the same time time, although questions might often be very conveniently considered in committee, yet such a plan was often attended with great expense and other disadvantages. If the House had a reasonable doubt whether there was sufficient ground for considering the matter in committee, they ought not to consult their own convenience, and subject parties to unnecessary expense and unnecessary waste of time. If he did not mistake, his right hon. Friend had lately stated to the House that the parties interested in this railway had already lost a sum of 9,000*l.* or 10,000*l.* in discussions and conflicts as to whether the undertaking should be continued or not. If his recollection did not deceive him, his right hon. Friend had suggested that with a view to get rid of the expense and inconvenience of referring the matter to a committee, the matter should be submitted to the decision of Sir Frederick Smith, who was to be consulted as to the propriety of sanctioning the project. For his own part he had interest, direct or indirect, in the transaction, and he had no communication with any of the parties concerned in it since the commencement of the Session. If he had any interest in the matter, it was, that as he travelled very frequently backwards and forwards on the Grand Junction Railway, his journey should be accomplished as rapidly and as economically as possible. He had, therefore, no other interest in the matter than that which must be felt by the hon. Members for Manchester, or the hon. Members for Scotland or for Ireland, to whose feelings his right hon. Friend had appealed in the latter part of his argument. His right hon. Friend, the President of the Board of Trade, had, as it appeared to him, thrown an invidious objection in the way of the motion of the hon. Member for Carlow. His right hon. Friend had said that he had seen the opinion of Sir Frederick Smith privately, and that that opinion could not materially affect the question. Now he had been given to understand that Sir Frederick Smith in commenting on the best, the cheapest, and most rapid line of communication between London and Edinburgh, and London and Dublin, had expressed an opinion that the saving of ten miles to be accomplished by the proposed railway might be counterbalanced by the loss of time at the new terminus, and the fact of a change of engines being unnecessary. He would refer for a moment to the question of time. He quite agreed that many of those questions to which his right hon. Friend the Member for Tamworth had adverted, were questions for the committee, and not for the consideration of the House; but if it should be made clear to the House that no great saving would be accomplished, and that there was no great reason to apprehend that there would be any competition whatever, and moreover that this saving of time was to be accomplished by an expenditure of national capital, amounting to 1,300,000*l*., or 1,500,000*l*., then the House ought to pause before it came to such a decision. The Grand Junction Company made their arrangements in conjunction with the London and Birmingham Railway, and they so timed the arrival of the trains in Birmingham, as to leave no greater interval for stoppage than was necessary to proceed from one train to the other. When they arrived at Rugby, they had to wait till the train came in from Birmingham; Gentlemen might prefer waiting at Tamworth. They must wait till the train arrived from Birmingham, to carry them on to London. Therefore, although Gentlemen might suppose that there would be somewhat less time occupied in the actual operation of travelling, between Liverpool and London, or Manchester and London, yet it was his firm conviction that not even the saving of a single ten minutes as between Liverpool and London would be effected by the proposed expenditure of 1,300,000*l*. His right hon. Friend who had just sat down had said that he would not attempt to conciliate any interest on the other side by denying that there would be a formidable competition. He did not seek to gain support on that side of the House when he declared that, in his opinion, there would be no competition whatever. The argument of his hon. Friend, the Member for Chester, was a correct one; that if the plan had been to carry on the line to Manchester, instead of merely to Rugby, then there would have been competition, because then there would have been an independent terminus. But what did this line propose to do? His right hon. Friend had said, with all the ingenuity and art with which he knew so well how to dress up a statement for that House, his right hon. Friend had said, look at the important termini of this railway—you have London on the one side, and Manchester, with the manufacturing districts, and Liverpool, on the other, and if you look to further termini, if the expression of a terminus beyond a terminus be allowable, you have Ireland as a terminus on the one side, and Scotland as a terminus on the other. Now, with all respect to his right hon. Friend, he (Lord Stanley) must be excused for saying that this statement was entirely a mistake. The termini were the highly-respectable but certainly not very important or opulent towns of Rugby on the one side, and Stafford on the other; and there was no other terminus whatever. Go where they would, travellers by this road must join the Grand Junction at one end, and at the other the London and Birmingham, and those railways might in consequence crush in the bud any infant competition. If the object was to produce competition, it should be a competition of independent lines, but to expect any advantageous competition from inferior and dependent lines, needed not the experience of the North of England and Midland Railway to prove an entire delusion. These shorter lines must always regulate their movements by the greater lines; terms of agreement would be come to between them, and whoever entertained a hope that an inferior and dependent line could successfully enter into competition with a larger and independent line would inevitably be disappointed. He was obliged to the House for the kindness with which they had heard him, and regretted exceedingly that any vexatious delay had been interposed in consequence of the Standing Orders last session. He never had been and never would be a party to such vexatious delay. He thought the hon. Member had better consent to withdraw his amendment, and take the sense of the House upon the plain question, whether in their judgment a sufficient case had been made out of saving of time and expense, of reduction of fares, and an increased public accommodation, to sanction the expenditure of 1,500,000*l*., besides the enormous expenses and vexatious delays which, to the great benefit of lawyers and agents, but of no other persons, inevitably attended the subjecting of any Railway Bill to a Parliamentary investigation.

Mr. *Gisborne* withdrew his amendment.

The original question was again put, that the bill be now read a second time.

Mr. *Wilbraham* moved that the bill be read a second time in six months.

The House divided on the question that the Bill be now read a second time, Ayes 94; Noes 154: Majority 60.

List of the AYES.

Abercromby, hn. G. R.
A'Court, Captain
Ainsworth, P.
Baillie, Colonel
Bewes, T.
Blackett, C.
Boldero, H. G.
Brotherton, J.
Bruce, Lord. E.
Buck, L. W.
Buller, E.
Campbell, Sir. J.
Chalmers, P.
Cholmondeley, hn. H.
Copeland, Alderman
Craig, W. G.
Dennistoun, J.
Divett, E.
Egerton, W. T.
Evans, Sir De L.
Ewart, W.
Fielden, J.
Fremantle, Sir T.
Gladstone, W. E.
Goulburn, rt. hon. H.
Greg, R. H.
Grey, right hon. Sir G.
Grosvenor, Lord R.
Grote, G.
Hastie, A.
Hawes, B.
Heathcote, Sir W.
Hepburn, Sir T. B.
Hindley, C.
Hobhouse, T. B.
Hodgson, F.
Hodgson, R.
Hope, hon. C.
Hope, H. T.
Humphery, J.
Irton, S.
Lascelles, hon. W. S.
Leader, J. T.
Lowther, J. H.
Maclean, D.
M'Taggart, J.
Marsland, H.
Martin, J.
Marton, G.
Mathew, G. B.
Maule, hon. F.
Miles, W.
Milnes, R. M.
Murray, A.
Nicholl, J.
O'Brien, W. S.
Oswald, J.
Paget, Lord A.
Parker. M.
Peel, rt. hon. Sir R.
Phillips, Sir R.
Phillpotts, J.
Pigot, right hon. D.
Planta, right hon. J.
Polhill, F.
Rawdon. Col. J. D.
Round, C. G.
Round, J.
Rundle, J.
Rutherfurd, rt. hn. A.
Seymour, Lord
Smith, B.
Somerville, Sir W. M.
Stansfield, W. R. C.
Steuart, R.
Stewart, J.
Stuart, Lord J.
Stock, Mr. Serjeant
Style, Sir C.
Tancred, H. W.
Thomas, Colonel H.
Trench, Sir. F.
Troubridge, Sir E. T.
Villiers, hon C. P.
Vivian, Major C.
Vivian, J. H.
Vivian, rt. hn. Sir R. H.
Wakley, T.
Warburton, H.
White, A.
Winnington, Sir T. E.
Wood, Colonel
Wood, B.
Wynn, rt. hn. C. W.

TELLERS.

Phillips, M.
Egerton, Lord F.

List of the NOES.

Alston, R.
Antrobus, E.
Baines, E.
Baldwin, C. B.
Barnard, E. G.
Barneby, J.
Bentinck, Lord G.
Berkeley, hon. H.
Berkeley, hon. C.
Bethell, R.
Blake, M
Bodkin, J. J.
Botfield, B.
Brabazon, Lord
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Brocklehurst, J.
Bruges, W. H. L.
Busfeild, W.
Byng, right hon. G. S.
Cayley, E. S.
Chapman, A.
Chetwynd, Major
Chute, W. L. W.
Clive, E. B.
Clive, hon. R. H.
Collier, J.
Courtenay, P.
Crawford, W.
Dalmeny, Lord
Dalrymple, Sir A.
Darby, G.
Dashwood, G. H.
Davies, Colonel
De Horsey, S. H.
Dick, Q.
Duff, J.
Duke, Sir J.
Dunbar, G.
Duncan, Viscount
Duncombe, T.
Duncombe, hon. W.
Dundas, C. W. D.
Dundas, F.
East, J. B.
Easthope, J.
Eaton, R. J.
Elliot, hon. J. E.
Ellis, W.
Estcourt, T.
Evans, G.
Evans, W.
Farnham, E. B.
Feilden, W.
Fector, J. M.
Filmer, Sir E.
Fitzalan, Lord
Forester, hon. G.
Gaskell, J. M.
Gladstone, J. N.
Gordon, R.
Graham, rt. hn. Sir J.
Greene, T.
Grimsditch, T.
Handley, H.
Harcourt, G. G.
Harcourt, G. S.
Harland, W. C.
Hawkes, T.
Hawkins, J. H.
Hayter, W. G.
Hector, C. J.
Hill, Lord A. M. C.
Hogg, J. W.
Hollond, R.
Holmes, W.
Houldsworth, T.
Hutt, W.
Hutton, R.
Inglis, Sir R. H.
James, W.
Jones, J.
Kemble, H.
Knight, H. G.
Langton, W. G.
Law, hon. C. E.
Lemon, Sir C.
Lockhart, A. M.
Lygon, hon. General
Lynch, A. H.
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Master, T. W. C.
Maunsell, T. P.
Miles, P. W. S.
Morgan, O.
Morris, D.
Neeld, J.
Neeld, J.
Ord, W.
Packe, C. W.
Pakington, J. S.
Parker, J.
Parker, R. T.
Patten, J. W.
Pattison, J.
Pease, J.
Pechell, Captain
Philips, G. R.
Pigot, R.
Plumptre, J. P.
Pollock, Sir F.
Praed, W. T.
Protheroe, E.
Pryme, G.
Pusey, P.
Richards, R.
Rickford, W.
Rushbrooke, Colonel
Rushout, G.
Salwey, Colonel
Sandon, Viscount
Scarlett, hon. J. Y.
Scholefield, J.
Scrope, G. P.
Seale, Sir J. H.
Sheppard, T.

Shirley, E. J.
Sibthorp, Colonel
Smith, A.
Smith, G. R.
Smith, R. V.
Somerset, Lord G.
Sotheron, T. E.
Standish, C.
Stanley, E.
Stanley, Lord
Staunton, Sir G. T.
Strickland, Sir G.
Strutt, E.
Surrey, Earl of
Thompson, Alderman
Turner, E.
Verney, Sir H.
Villiers, Viscount
Wall, C. B.
Welby, G. E.
Williams, W.
Winnington, H. J.
Wrightson, W. B.
Yates, J. A.

TELLERS.

Wilbraham, G.
Gisborne, T.

Lord *Stanley* begged to say that he was incorrect in stating that he had had no communication with any person on the subject, as he now recollected having spoken to a gentleman respecting it.

Bill put off for six months.

SEVERN NAVIGATION.] Lord *Granville Somerset* moved that the Members for Monmouth be added to the Committee on the Severn Navigation Bill.

Mr. *Labouchere* would offer the motion every opposition in his power. It might be proper that the House should alter its rules for the regulation of private business, but so long as these rules existed, they ought to be strictly adhered to. There were many practical difficulties which would arise, if the present motion was acceded to. There were other Gentlemen connected with the adjacent counties who had very naturally and properly given notice of similar motions, and which, if the present was acceded to, they could not refuse. On these grounds he should certainly oppose the motion.

Mr. *H. Berkeley* said his constituents were deeply interested in the Bill, and he had voted for the second reading. He was, however, perfectly satisfied with the jurisdiction to which it had been referred. If the House thought it proper to add any other Member to the Committee, he should feel it his duty to move to add his own name.

Mr. *G. Berkeley* said, the county of Gloucester was also deeply interested in the fate of the bill, and if the House found that its rules were bad, and worked injustice, the sooner they departed from them the better. It was a complete farce to refer such a bill to the Worcester list—every body knew how they would vote. He thought many more gentleman ought to be added to the committee. He would, therefore, cordially support the motion of the noble Lord.

Mr. *Winnington* said, the bill had been very properly referred to the Worcester List, because all the works contemplated by the bill were in Worcestershire.

Mr. *Easthope* opposed the motion. He thought the county of Monmouth had no such interest in the undertaking as should induce the House to contravene the Standing Orders in behalf of its Members.

Mr. *Hope* said, the hon. Member for Worcester had admitted, that there was partiality in the Worcester Members with respect to this bill, because he said there would be eighteen against, and twelve for, the bill. Such an admission was an argument why the other interest should be represented, They did not desire to obtain a preponderating interest, in point of numbers. A great deal had been said about the practice of the House. That was the first Session, and the first case of any importance, in which the Standing Orders had come into question. On former occasions, it was usual to have all the Members upon the committee who might be supposed to be interested.

Sir *Eardley Wilmot* proposed the Members for Birmingham, because he believed that that neighbourhood was interested, and he thought it fair that they should be appointed.

Lord *G. Somerset* said, the hon. Member for Worcestershire had assumed that the interest of Monmouthshire was adverse to the bill. The county of Monmouth was to contribute very largely to the formation of these works, and should, therefore, have a voice in the arrangements with respect to them. If the county of Worcester would have the goodness to pay for the works, they would then be allowed to monopolise the whole matter. All he wished was to have a committee, which should fairly discuss the merits of the question.

Mr. *C. Wynn* contended, that a bill like the present, for regulating the navigation of the whole course of a large river, could not be considered in the light of a strictly Local Bill.

Mr. *Warburton* thought the House ought to adhere to the Standing Orders. To the Members connected with the locality immediately affected by the bill, there had been added a sufficient number of Members unconnected with it, to secure impartiality. If additional Members for places interested in the bill were put upon the committee; then a corresponding number of important Members should also be added. If the Standing Orders were improper, they ought to alter them, but whilst they existed they ought not to break through them for any individual case.

The House then divided:—Ayes 84; Noes 117: Majority 33.

List of the AYES.

Ainsworth, P.
Attwood, W.
Baillie, Colonel
Baldwin, C. B.
Berkeley, hon. C.
Bethell, R.
Boldero, H. G.
Bolling, W.
Botfield, B.
Broadley, H.
Broadwood, H.
Bruce, Lord E.
Burr, H.
Cholmondeley, hn. H.
Clerk, Sir G.
Cochrane, Sir T. J.
Courtenay, P.
Dalrymple, Sir A.
De Horsey, S. H.
Douglas, Sir C. E.
Dunbar, G.
Duncombe, T.
Duncombe, hon. W.
Fielden, J.
Fector, J. M.
Filmer, Sir E.
Fitzalan, Lord
Fitzroy, hon. H.
Forester, hon. G.
Gaskell, J. Milnes
Gisborne, T.
Gladstone, W. E.
Gladstone, J. N.
Gore, O. J. R.
Guest, Sir J.
Hamilton, Lord C.
Hodgson, F.
Hodgson, R.
Holmes, W.
Hope, hon. C.
Hope, H. T.
Humphery, J.
Jones, J.
Leader, J. T.
Mackenzie, W. F.
Mackinnon, W. A.
Martin, J.
Marton, G.
Mathew, G. B.
Maunsell, T. P.
Milnes, R. M.
Morgan, O.
Morris, D.
Neeld, J.
Neeld, J.
Nicholl, J.
O'Brien, W. S.
Parker, M.
Pechell, Captain
Philips, M.
Phillpotts, J.
Pigot, R.
Planta, right hon. J.
Plumptre, J. P.
Polhill, F.
Pollock, Sir F.
Richards, R.
Rushbrooke, Colonel
Salwey, Colonel
Scholefield, J.
Sheppard, T.
Smith, A.
Smyth, Sir G. H.
Smythe, hon. G.
Stansfield, W. R. C.
Stuart, Lord J.
Thompson, Mr. Ald.
Trotter, J.
Welby, G. E.
Wilmot, Sir J. E.
Wood, Colonel
Wood, B.
Wynn, rt. hn. C. W.
Yates, J. A.

TELLERS.

Somerset, Lord G.
Clive, R.

List of the NOES.

Alston, R.
Antrobus, E.
Barnard, E. G.
Barneby, J.
Bentinck, Lord G.
Berkeley, hon. H.
Bewes, T.
Blackett, C.
Bowes, J.
Brabazon, Lord
Brocklehurst, J.
Brotherton, J.
Brownrigg, S.
Bruges, W. H. L.
Buller, E.
Bulwer, Sir L.
Busfeild, W.
Byng, G.
Byng, rt. hon. G. S.
Campbell, Sir J.
Chalmers, P.
Clive, E. B.
Collier, J.
Craig, W. G.
Dalmeny, Lord
Darby, G.
Dashwood, G. H.
Davies, Colonel
Dennistoun, J.
Divett, E.
Dundas, C. W. D.
East, J. B.
Easthope, J.
Egerton, W. T.
Elliot, hon. J. E.
Estcourt, T.
Evans, Sir De L.
Evans, W.
Feilden, W.
Ferguson, Colonel
Gillon, W. D.
Gordon, R.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Greene, T.
Grimsditch, T.
Grosvenor, Lord R.
Hawes, B.
Hawkes, T.
Hawkins, J. H.
Hayes, Sir E.
Hector, C. J.
Hill, Lord A. M. C.
Hindley, C.
Hobhouse, T. B.
Hollond, R.
Houldsworth, T.
Howard, P. H.
Howick, Viscount
Hutton, R.
Inglis, Sir R. H.
Irton, S.
James, W.
Jermyn, Earl
Labouchere, rt. hn. H.
Lascelles, hon. W. S.
Lemon, Sir C.
Lockhart, A.
Lowther, J. H.
Lygon, hon. General
Marsland, H.
Maule, hon. Fox
Miles, W.
Miles, P. W. S.
Norreys, Sir D. J.
O'Connell, J.
O'Connell, M. J.
Packe, C. W.
Paget, Lord A.
Pakington, J. S.
Parker, R. T.
Patten, J. W.
Pattison, J.
Peel, rt. hon. Sir R.
Praed, W. T.
Reid, Sir J. R.
Rice, E. R.
Rundle, J.
Rushout, G.
Seymour, Lord
Shaw, rt. hon. F.
Smith, J. A.
Smith, G. R.
Smith, R. V.
Somerville, Sir W. M.
Sotheron, T. E.
Standish, C.
Stanley, Lord
Staunton, Sir G. T.
Steuart, R.
Stewart, J.
Stock, Mr. Serjeant
Strickland, Sir G.
Strutt, E.
Tancred, H. W.
Thorneley, T.
Troubridge, Sir E. T.
Turner, E.
Verney, Sir H.
Villiers, hon. C. P.
Vivian, rt. hn. Sir R. H.
Warburton, H.
White, A.
Wilbraham, G.
Williams, W.
Winnington, Sir T. E.
Wood, G. W.

TELLERS.

Grey, Sir G.
Winnington, H. J.

MEDICAL REFORM.] On the Order of the Day for the second reading of the Medical Profession Bill being moved,

Mr. *Shaw* rose to express a hope, that the hon. Member would not now proceed to move the second reading of the Medical Profession Bill. He had in his hand a letter from the governor of the Apothecaries Company of Dublin, stating that the bill materially affected their body, that they had not yet had an opportunity of petitioning against it, and hoping the House would not proceed with it at present.

Sir *De Lacy Evans* said, that the bill had been so rapidly pushed forward, that many persons very much interested in it had not even heard of it.

Sir *Thomas Troubridge* really hoped the hon. Member would not proceed with his bill, because it appeared to meet with very general opposition. The army and navy surgeons were against it, and every party complained that they were unacquainted with its provisions.

Mr. *Wakley* hoped the hon. Member would go on with the bill to-night, if he meant it to be read a second time at all.

Mr. *M'Lean* understood that the College of Surgeons were preparing a measure on the subject, and if the hon. Member postponed his bill for a little, he might be able to improve it very materially.

Mr. *Hawes* said, that very few bills had had so much circulation, previous to their introduction to the House, and publicity, as this. He did not see that any valid reasons had been urged for the postponement of the bill. He should compress whatever he had to say on the subject into as small a compass as possible. He was prepared to show that the plan he adopted was not a capricious one, taken up suddenly and without deliberation; but that it was a plan supported by some of the most distinguished medical men now living —supported not only by men who had given evidence on the committee, but by others who by their publications, and by the public proceedings of their own particular bodies, sanctioned, to a greater or less extent, the measure which he now proposed. The House were aware, that in 1834, a committee sat on the subject of medical education. On the evidence given before that committee he had founded the greater portion—the main principles—of this measure. The profession, in the evidence given before that committee, had complained of a total want of uniformity—that there was no uniformity in the education of medical students—that there was no body to which they could look up, and that the medical profession generally had no confidence in the existing bodies—that the College of Physicians had employed their powers, not for the benefit of the profession, but for their exclusive advantage. The great body of licentiates were excluded from all the privileges of the institution. The College of Surgeons might be considered a voluntary body, conferring diplomas, but without the power of giving legislative protection to its members—neither obtaining the confidence, nor conferring advantages upon the profession. He would refer to the case of Dr. Harrison in support of that statement. That gentleman was in great practice as a physician and surgeon, without being a licentiate of the College of physicians, and yet, on showing that his practice was of a surgical, not a medical nature, he evaded any penalties which the College might be enabled to inflict upon him. The College of Physicians, as it now stood, did not represent the great body of that profession. With regard to the Apothecaries' Company, it was so constituted, that it was impossible that it could obtain the confidence of the profession at large. It was not, then, matter of surprise that the medical practitioners, who derive no advantage from the corporate body, should be desirous of some change being made. The hon. Member then referred to a pamphlet just published by Sir Charles Bell on the subject. That Gentleman had used language, with regard to the College of Surgeons, much more strong than he (Mr. Hawes) would have ventured to use. The evils of the present system, indeed, could not be denied; and this measure was intended to remedy them. Its chief provisions would be directed to the attainment of uniformity of education, an authentic registration of the medical practitioners, and the establishment of a superintending body elected by the profession, to whom should be entrusted its general management. He begged distinctly to say that he did not propose to invade any existing medical corporation, or to narrow its powers. Should such a result ensue, it could only arise in an indirect way, and only with the general concurrence of the profession. His plan was also sanctioned by high medical authority. In 1834, Sir B. Brodie, in his evidence before the committee, said that he approved of the adoption of a superintending body similar to that which he now proposed. Again, Mr. Green, who had recently published some pamphlets on this subject, suggesting another plan, had on the whole been favourable to the general principles of the present bill, approving a general council. Dr. Elliotson, Dr. Copland, Dr. Arnott, and many other eminent medical men had also sanctioned the broad outline of his plan, and he believed that instead of degrading and destroying the medical profession, that it would prove just the reverse, and would give a higher character to it—one worthy of a learned and liberal profession. It would be found also, that the existing corporations, instead of quarrelling with Members of the medical profession and amongst themselves, might prove great auxiliaries to the carrying out the system. No one could say that the present system was calculated to secure what all admitted was most desirable, namely, a highly educated body of medical men. To show how it worked, he would only mention that under the operation of the new Poor-law, it was necessary to look to the qualifications of the medical men presenting themselves to fill the various offices under it. It appeared from a paper that had been presented to him, that of 1,830 medical men who presented themselves to fill the offices under the Poor-law, 327 had never been examined in surgery at all, 323 had never been examined in medicine, and 233 had never been examined by any medical body at all. He believed that the medical practitioners, generally speaking, were favourable to this bill, although particular parts of it might be objected to by some of them, and although the medical corporations might not give it their support. The profession at present was governed by nineteen self-elected medical bodies; it would, if his bill passed, be placed under the controul of a council in each of the three kingdoms, the members of which would be elected by the whole body of the medical profession. The hon. Member concluded by moving the second reading of the bill.

Mr. *Ewart* seconded the motion. Whoever looked at the state of the medical profession must see that it was in a state of disorder, and that it required the amendment that would be supplied by the present bill.

Mr. *Darby* thought that it was very remarkable that the hon. Member for Lambeth, in moving the second reading of his bill, had said little or nothing respecting the general enactments in it. The bill, as it stood, only affected the medical men connected with public institutions, and did not touch the great body of the profession. The enactments in the body of the bill did not agree with the preamble, and were altogether inconsistent with it. If a person did not intend to practice in connection with any public institution, he need not have any certificate under this bill.

House counted out.

Adjourned.

* * *

HOUSE OF LORDS,

Thursday, March 18, 1841.

MINUTES.] Bills. Read a first time:—Mutiny; Marine Mutiny; East-India Rum.

Petitions presented. By the Duke of Argyle, from various places against Church Patronage (Scotland).—By the Duke of Cleveland, from Stockton, in favour of Drainage of Towns Bill.—By the Bishop of Bangor, from Anglesea, against the union of the Bishoprics of St. Asaph and Bangor.

POOR LAW (IRELAND)—CLONMEL UNION.] The Marquess of *Normanby* said, before his noble Friend opposite moved that the examination of Mr. Stanley be resumed, he felt it right to state to their Lordships, that he had received a letter from Mr. Shaw Lefevre, one of the Poor-law Commissioners, as to the omission of a paragraph in one of the letters which had been laid on their Lordships' Table, relative to the appointment of Mr. Butler as returning officer to the Clonmel Union. Mr. Lefevre stated, that himself and Mr. Lewis had looked over the returns to that House, and had approved of the omission of the paragraph in question, as it had not the slightest relation to any matter connected either with the election of the returning officer for the Clonmel Union, or to any proceedings connected with the Poor-law. Their Lordships had the letter now printed in their hands, and the passage in question merely stated, that the writer had seen the Attorney-general three times, who had seemed well-disposed towards him, but that nothing had been done; and requesting that the person to whom the letter was addressed, would, if he saw the Attorney-general, remind him of the matter. Under these circumstances the Poor-law Commissioners omitted that portion, the last paragraph of the letter, which they conceived to be of a private nature. With respect to Mr. Nicholls, his impression was the same as that of his noble Friend, that that gentleman's absence from Ireland would be very inconvenient. There were, however, important matters that would detain him in town a few days longer; and he announced this, on the part of Mr. Nicholls, in order that any noble Lord who thought fit might have an opportunity of examining that gentleman.

The Duke of *Wellington* thought it was better that Mr. Nicholls should appear at the bar. One point had struck him forcibly when the noble Marquess was reading the extract from the letter. It was obvious, he thought, from that letter, that this Mr. Butler was a dealer in politics; and, if his recollection served him, that on which the Poor-law Commissioners for Ireland most prided themselves, that which they had said over and over again, was, "We must take care to have nothing to say to politicians;" and yet, with that letter before them, they appointed this person. That showed how necessary it was that the act of Parliament should be obeyed, and that all the motives of appointment should be inserted on the records; so that, when any one complained of those appointments, they should have before them the whole of the proceedings. They ought to have possession of every part of the records, in order that they should know really what had been the motives for these appointments, and what the character of the individual appointed. The clause in the act of Parliament was little obeyed in Ireland, and, he feared, as little in England. The consequence was, that it was impossible to trace any act of the commissioners. They were in the hands of this board, who possessed unlimited authority to do what they pleased, and who kept no regular record of their transactions.

Lord *Ellenborough* could not agree with the noble Marquess when he said, that the concluding paragraph of this letter was unconnected with the appointment of Mr. Butler. His impression was, that when Butler inserted the paragraph in his letter to Mr. Phelan, the idea of the writer was, that if Mr. Phelan showed it to the Attorney-general, the latter would say—"It is true he has been of use to me in Clonmel, and he is a very troublesome fellow. It would be quite as well to get rid of him at once; and if you can give him the place, it would be a great relief to me."

The Marquess of *Normanby* perfectly agreed with the noble Lord, that, on the face of the letter, it would appear that Mr. Butler was a political partisan. At the same time, he believed, that the commissioners were, *bonâ fide*, most anxious to appoint persons as little conversant with politics as was possible in Ireland. The noble Earl could not say that Mr. Fennell, the opponent of Mr. Butler, was not well known as a political partisan.

The Earl of *Glengall:* I can say so positively, but his brother is.

The Marquess of *Normanby* had certainly heard the name of Fennell often mentioned in connexion with the party politics of Clonmel,

The Earl of *Glengall:* That is Mr. Fennell's brother.

The Marquess of *Normanby* did not think that there were two Fennells; but he knew that there was one of the name a partisan, if not two. There was no proof at present, that the commissioners ever saw the letter of Mr. Phelan.

Lord *Fitzgerald* said, the statement of the noble Marquess was at variance with that of the witness Stanley, for he had informed them that it was understood that the appointment had taken place on the recommendation of Mr. Phelan.

The Earl of *Glengall* said, Mr. Phelan must have known that Mr. Butler was a politician, for he either proposed or seconded the Member for Clonmel.

The Marquess of *Normanby* said, there was nothing to show that the Poor-law Commissioners knew that he was a politician.

Lord *Ellenborough* said, Mr. Butler seemed capable of producing evidence of an extraordinary and contradictory nature, for in one of his letters he stated to the Poor law Commissioners not only that he did not attend any political meetings, but that he did not belong to any political party whatever.

The Earl of *Glengall* moved, that Mr. William Stanley be called to the bar.

Mr. Stanley was re-examined at great length. Mr. Wordsworth, a clerk in the Poor-law commissioners office in Dublin was also examined. The evidence was ordered to be printed, and the House adjourned.

HOUSE OF COMMONS,

Thursday, March 18, 1841.

MINUTES.] Petitions presented. By Mr. Easthope, Mr. Scholefield, Mr. A. White, Mr. T. Duncombe, and others, from Leicester, Birmingham, Newcastle-upon-Tyne, Glamorgan, Wilts, and other places, for the abolition of Church-rates, and the Release of Mr. Baines.—By Mr. H. Smythe, Mr. Grimsditch, Mr. G. Crewe, Mr, Evans, Mr. H. Berkeley, and others, from Colchester, Chester, Derby, Gloucester, and a great many other places, against the Poor-law Amendment Bill, and for Alteration of some of its Clauses.—By Mr. Bailey, from Chemists and Druggists of Sudbury, against the Medical Profession Bill.—By Mr. T. Duncombe, from Tavistock, for the release of Frost, Williams, and Jones; for the release of Mr. F. O'Connor; from Sheffield, for the repeal of the Corn.—By Colonel T. Wood, from Staines and Hounslow, against countenancing Idolatrous Worship in India.—By Mr. Round, from Dunmow, in Essex, to continue the Poor-law Commissioners for five years.—By Mr. C. Bruce, and Mr. H. Smythe, from Elgin and Somersetshire, against any further Grant to Maynooth College.—By Mr. Gillon, from Linlithgow, in favour of Free Trade.—By Colonel Perceval, from the Grand Jury of the Queen's County, and by Mr. M. Archdall, from the

High Sheriff and Grand Jury of the county of Fermanagh in favour of Lord Stanley's Bill.—By Sir W. Somerville, from the Ulster Constitutional Association, in favour of Lord Morpeth's Bill.—By Mr. F. Maule, from Argyle and other places, against Church Patronage in Scotland.—By Mr. Hawes and Mr. Hume, from Socialists in Lambeth and Birmingham, for an inquiry into their principles.—By Lord Sandon, from Chemists at Liverpool, against the Medical Profession Bill.—By Mr. Mackinnon, from St. Clement, Danes, and by Mr. Hume, from Medical Practitioners at Kilkenny, for Medical Reform.—By Mr. Hume, from Members of the National Chartist's Association, for the Release of Mr. F. O'Connor.—By Mr. Loch, from Wick, for the total repeal of the Corn-laws.—By Mr. L. Bruges, Mr. Miles, and General Lygon, from Bath and Worcester, for Church Extension.

HARBOURS ON THE SOUTH-EAST COAST.] Mr. *E. R. Rice* said, that it might be in the recollection of hon. Members that two years ago a commission had been appointed to examine the harbours on the south-eastern coast, in consequence of an address which he had had the honour to move in that House. After a survey of the coast the commissioners made their report in May, 1840, since which no steps had been taken in the matter. He assured hon. Gentlemen that in now moving for the appointment of a committee to consider that report, he wished, as far as possible, to divest himself of every consideration of a local nature, and to view the question, as he hoped the House, and ultimately the Government, would do, as one of great national importance materially affecting the honour and the security of this empire. When he first urged an inquiry, he was told that his proposal was too limited, and that it ought to be extended to other ports on the coast of this country; but he recollected very well that, in answer to this objection, it was stated by a gallant Officer, then Member for Devonport, that it was desirable to limit the inquiry, not because there was no necessity for the survey of other ports, but because in the narrow sea of the British channel, in consequence of the application of steam navigation, this country was most assailable. He would not, in support of his own views, quote any opinions, because a consideration of all the opinions was the object for which he sought the appointment of a committee. Every friend of humanity and of civilization must hope that peace would be long preserved, but he could not forget that the present French government, to which we were greatly indebted for the preservation of peace, had declared that a defensive policy, for the purpose of preventing foreign aggression, was the best means of preserving peace. Such was the distinct avowal of M. Guizot, who said that "what we do, and what Germany is doing, is with the view of preserving peace; when it becomes a duty to tranquillize both France and Europe, we must perform it by showing that we are opposed alike to the spirit of conquest and to the violation of our own territory;" and he (Mr. Rice) thought that those principles might be fairly adopted by this country. Yet whilst thus we were totally neglecting our own harbours, the French were actively engaged in improving theirs. A sum had been voted of no less than 5,600,000*l.*, the expenditure of which was to be extended over a period of ten years; for the improvement of the French harbours in the years 1837, 1838, and 1839, the sum of 2,600,000*l.* was voted, and in the year 1839, the Cherburg breakwater was nearly completed, 500 men being constantly employed upon it, and there were also 300 men employed in the improvement of the harbour at Dieppe. It was, too, a subject of great regret, and of just complaint, that our own harbours of refuge answered very imperfectly the object for which they were intended; the loss of life and of property was very considerable, and the subject required the most attentive consideration. Indeed, it was not too much to say that the present state of our harbours was a matter of national reproach, for when foreigners visited this country they naturally expected to find our harbours in some measure proportionate to our naval and commercial greatness; yet they found that our harbours were fit for little more than coasting vessels. On the south-eastern coast especially large sums of money were expended during the last war for other modes of defence, but very little was spent upon the harbours. Mr. Pitt, indeed, did entertain some extensive design, and if he had lived it might have been carried into effect, but nothing had really been done. The fault was, perhaps, to be ascribed to the fact that there was no permanent board in this country whose business it was to consider and recommend to the attention of her Majesty's Government such objects as they might really think of national importance. There was only one other objection that could be urged by the Government against his proposition, and that was on the ground of expense. That was a legitimate object for Government to consider, and it was a point on which it was no part of his duty to offer a suggestion; but he might observe that of all the branches of public expenditure, that for which the House granted the money most readily, and that for which the nation contributed most freely, was a grant for the maintenance of our naval superiority. He might affirm that better harbours on the south-eastern coast were not only necessary for our public navy but for our commercial marine. He would only allude further to the conclusion to the French report on the grant of the 5,600,000*l.* in which it was admitted that—

> "This sum is certainly a considerable one, but when we reflect that the object is to ensure the facilities of our commercial intercourse, to assist the progressive increase of our mercantile and naval services, and consequently place the power and the prosperity of the country on a wide and firm basis, undoubtedly it will be foreseen that these sacrifices will create sources of ample compensation."

With regard to the object of the committee, he would only say, that his desire was to place the subject fairly before her Majesty's Government, for it was a question on which he thought no individual Member of that House ought to call upon the House to take any steps; but it was still one of so much importance that he had felt it his duty to call the attention of hon. Members to it; and after a report had been presented by the commissioners to the House, it was not asking too much to request the House to agree to the motion of which he had given notice, and appoint—

> "A select committee on the state of the harbours on the south-eastern coast, to whom the report of the commission of 1840 shall be referred."

Mr. *Planta* begged leave to second the motion, which he did with the greatest cordiality, because he considered that the general interests of the country were materially involved in this question. It was no party question, and he trusted that it would be considered by both sides of the House in a spirit of fairness, and that it would receive that attention which its importance demanded. It was very seldom that he trespassed upon the House, and he would endeavour to do so now for as short a time as it was possible for him to state the substance of the case. In seconding this motion it was not necessary that he should go through the details which had been stated by his hon. Friend that night, and which he had also stated two years ago on the motion for the appointment by the Crown of the commissioners. Still he must say that the same reasons which existed two years ago for the appointment of that commission existed now for the examination of the report, much increased indeed in force by subsequent events; and he therefore hoped that her Majesty's Government would not refuse to appoint a committee now, after they had appointed the commission. He was sorry to add, that the feeling of those who were most interested in this question was, that the inquiries of the commissioners had not very materially promoted the wishes and intentions of those who had sought the investigation. He was the last man who would presume to say anything, or to make the slightest observations against the respectable commissioners who had signed the report, and who were every way fitted for the office the duties of which they had discharged. Still he must be allowed to say, that, as far as any practical results were concerned, none had flowed from the report of the commissioners. He was perfectly aware that it was wrong upon a question of this sort to press particular interests, or to lay stress on the wishes of a particular locality; yet he must observe, that he conceived it to be the duty of the representatives of the people in that place to make known, as far as they could, the wishes and interests of their constituents, because he thought that, if hon. Members would follow this course, they would obtain the aggregate of opinions, from which Parliament would be able afterwards to adopt the proper measures. Those who had sent him to that House had a particular anxiety for the establishment of proper harbours on the south-eastern coast. There had been constant meetings during the last two or three years of the inhabitants of the town he had the honour to represent; the unremitting endeavours of the people of Hastings had been to find fit havens on this coast; their attention was still directed to the subject, and their wishes were as strong as ever. Only a few days ago, on the 1st of March, a public meeting in contemplation of his hon. Friend's motion was held at Hastings, over which the mayor presided. They unanimously resolved—

> "That this meeting is decidedly of opinion that the appointment of a committee in the House of Commons to investigate into the condition of the present harbours on the south-eastern coast, and to report to the House whether any, and which of them, can be made available as places of shelter for merchant vessels in case of distress from weather, or from enemies cruising in time of war; and also to inquire and report whether it may be expedient to construct harbours of moderate capa-

city for such purposes at any other places between the mouth of the Thames and Selsey Bill, is essentially and urgently necessary."

And then having resolved to address their Members, requesting them to attend and support the present motion, they said, that they trusted there would be a full inquiry before the committee into the fair claims of Hastings. These were the principal reasons which had induced him to trouble the House upon that occasion. He did most sincerely believe that the question was not only of great importance to the place which he had the honour to represent, but also to the country at large. He thought that the report which had been received had not materially assisted the object which had been in view, and he was of opinion that the subject should undergo the fullest consideration of a committee of that House, to which the report of the commissioners could be referred, and before which other information could be collected, so as to show what would most promote the common object, to satisfy the wishes and desires of his constituents, and to see what the Government and the House would be able to do to provide places of safety for our public and mercantile marine,

The *Chancellor of the Exchequer* could assure the right hon. Gentleman who had just sat down, that no apology was necessary from him for calling the attention of the House to a subject of so great importance as the present, whether as regarded local interests, or the commercial interests and prosperity of the country. He felt, however, that the right hon. Gentleman, as well as the hon. Member who had preceded him, had left one part of the subject to which they referred very unsatisfactory before the House, because, although they had dwelt upon the general question, they had advanced very few arguments why a committee should be appointed to take the matter into consideration. If the hon. Member for Dover had come forward with a resolution which embodied the propositions which he desired should be adopted by the House, his motion might have been entitled to some consideration; but he had placed no statement before the House from which his exact ultimate views might be collected. With regard to the proposition which he had made, that a committee should be appointed, he confessed that he thought that that was a motion which ought not to be complied with. A commission had last year been appointed to inquire into the same subject which was now before the House; and upon arguments which were then employed, but to which he need not now more particularly allude, it was then resolved, and indeed it was admitted, that it was better to refer the matter to a commission than to a committee of this House. The commission had reported on the very same objects, so far as he could understand the meaning of the proposition which was now made, and their report was entitled to the fullest and best consideration of the House, as it was made by individuals who, from their station, were the most competent to form a correct judgment. No committee of the House, at all events, he thought, could have a better opportunity of forming a correct opinion than that commission; and it would certainly require a very strong case to be made out to show that any further investigation by a commerce would be expedient. Independently of other considerations, he thought that it would not be a very wise thing, nor of any advantage to the country, that a committee should be appointed who should enter into a detailed inquiry as to the defences of the commissioner. They would, of course, call before them men of experience and knowledge, and would examine them upon all those points which were the weak points of the country, and that the testimony derived from them should then be published, so that all that was the least desirable to be known should be made notorious to foreign countries who it was not desirable should be acquainted with the facts which were disclosed. But he must also beg to point out, that if such a committee were to be nominated, many hon. Gentlemen possessing local interests and local influences must be put upon it; and knowing, as they did, what excitement matters of this description created in the vicinity immediately interested, that one hon. Member would advocate the selection of Dover as the favoured port, while another would select Hastings, and another would never be satisfied until Sandwich was fixed upon, they could hardly be induced, he thought, to adopt a course which was likely to be productive of so much inconvenience. The appointment of a committee, therefore, he thought, would be one of the worst things that could be done. He admitted, and he might refer to some conversations which he had had with certain individuals upon the subject, that there was one point in the report to which he had alluded which might be supposed to be involved in some degree of doubt. He meant the expense which would be necessarily incurred in carrying out the proposed plans of improvement. It had been suggested to him that the expenses would not be a quarter so much as it had been stated they would be. The commissioners had reported that the probable expense of forming or improving each harbour would be about two millions; and certainly if any fair reason were given to the Government to lead them to suppose that it could be shown that the expense would be so much less than had been suggested, he should be most agreeably surprised. If that were the object with which the committee was to be appointed, he thought that it could be effected at a much smaller expense by the officers of the Government than by an inquiry before a set of gentlemen whose local interests would undoubtedly clash in the matter. Under these circumstances, upon the assurance which he gave, that if he were furnished with information to the effect which he had pointed out, it should be inquired into by the Ordnance, or some other proper department. He trusted that the hon. Member would not press his motion, as he was unwilling that the House should come to a division.

Mr. *Mackinnon* said, in answer to the Chancellor of the Exchequer, that having been requested by several engineers to present the petition on the subject, and not having an opportunity of so doing, he must say a few words in answer to the right hon. Gentleman in alluding to these petitions. The right hon. Gentleman said, he was against a committee because the mover and seconder had only given general statements, and made no particular case, and if a committee was granted the weak parts of the coast might be mentioned, which might be injurious to the country. Now, in answer, he (Mr. Mackinnon) would observe, that no necessity existed for giving instructions to the committee to inquire into the defenceless parts of our coasts that might be left to the commission, but if some particular case was required, he would state as follows. On the coast of Sussex, and he believed also on the coast of Kent, there was a constant flow of shingle on the beach from west to east. Every one who had attended to the subject knew, that there were two sorts of harbours artificially made for vessels; one was the back water harbour, made by the water flowing in, which water was enclosed in an interior basin, and at the ebb was let out, and by running through the outer harbour cleared it of mud and sand, but what was the result? Why this substance was met by the shingle outside, and a deposit took place at the mouth of the said harbour, forming a bar, such for instance as might be seen in the harbours of Dover and Ramsgate, which would render those harbours nearly useless in a few years, and all the immense expense—all the thousands and nearly millions expended on them, particularly Ramsgate—would be thrown away. The other description of Harbour was that formed like those at Dunleary and Kingstown, in Ireland, which were made not only useful at high but at low water, in fact useful at all times, being made in deep water. These harbours might be more expensive in their formation, but being more durable were cheaper in the end than the others. Now he would ask the right hon. Gentleman—he would ask the House—why not have a committee, if only to ascertain the above mooted question, which might save millions to the country, whilst the expense of a committee was in fact nothing whatever. If a number of Gentlemen in this House fond of science wished to ascertain a particular point on a question deemed doubtful, yet most important, why should it not be allowed. No harm could arise, and some benefit, perhaps a great advantage, might be the result. He would therefore support the motion.

Captain *Pechell* said, he could only approve of that part of the speech of the Chancellor of the Exchequer which acknowledged the importance of the subject as regarded the maritime interests of the country, and that the objections raised by the right hon. Gentleman were by means sufficient to deter the hon. Member for Dover from persevering in the course he had commenced. Much information would be brought before a committee which had been kept back from the report. The civil engineer, who had been attached to the commission, would be called on to give additional evidence on points which required further investigation as to the expense and construction of the deep water harbours on the southern coast. Since the report of the commission had been laid on the table, the coasts of Sussex and Kent had been visited by the most furious storms, attended by the most disastrous loss of life and property; and it could be shown before a committee, that all three shipwrecks took place on the coast to the westward of Beechy Head, owing to the difficulty of weathering the promontory in southerly gales. The financial objections raised by the right hon. Gentleman were common to all Chancellors of the Exchequer; but when proposals were made by the hon. Baronet, the Member for the University of Oxford, for granting no less an amount than eight millions for the purposes of Church extension, it could not be deemed unreasonable to ask for one-fourth of that sum for so desirable an object as that of preserving the lives of so many of her Majesty's subjects, which were so much endangered on the southern coast for the want of sufficient harbours.

Mr. *Darby* thought the report of the commissioners, which he held in his hand, fully justified the motion of his hon. Friend, the Member for Dover. The commissioners reported, that Ramsgate harbour was the best on the south-eastern coast, although they said it had no natural advantages. It had no backwater, nor was it protected from any wind but a land-wind. It offered no protection from winds from the sea. Yet that was the only harbour for the protection of the shipping on that coast. It was acknowledged to be wholly inadequate, yet the right hon. the Chancellor of the Exchequer refused a committee. He refused a committee—was he prepared to say, that the Government would act upon the report of the commissioners? He acknowledged that harbours were necessary—would he say, that the Government would construct them? If he was not prepared to say so, why refuse inquiry? Could the hon. Member put his hand upon the report, and show anything in it so practical, that that it could be carried into execution within half a century? And if not, the commissioners were at a loss to known on what grounds they should report. He thought there could be no stronger reason for assenting to the motion.

Sir *George Strickland* regretted that the Chancellor of the Exchequer had not expressed himself more distinctly on this most important subject. The question was whether our harbours were to be repaired by public expense or by local exertions. If an idea got abroad that every case of shipwreck was to be a ground for a grant of public money for repairing our harbours, from that moment all individnal exertion would cease. A few years ago there had been a great contest, in a Committee of the House, whether certain harbours required the assistance of the public purse, but it was at last decided that they had no sufficient claim, though a similar claim on the part of two other harbours was allowed. The country ought to know at once whether any aid would be afforded by the Government, or the Government ought to take all harbours of refuge under their especial care.

Mr. *Plumptre* thought his hon. Friend the Member for Dover was perfectly justified in the course he had adopted. He would have been perfectly willing to have left the matter in the hands of the Government, if it had been stated that they intended doing anything; but having heard no such statement, he must support the motion.

Mr. *C. Wood* thought the House must see that the question which had been stated by the two hon. Gentlemen who raised the discussion was very different from that which had been discussed. The question argued was that the country ought in some way or other to provide harbours of refuge on different parts of the coast. The committee moved for was to inquire into that which had already been inquired into. The Commissioners had distinctly expressed an opinion upon the subject, and the best answer to local interests was that they had given a decided opinion against any existing harbour. In their report they stated,

> "It is evident there is no harbour at the present moment between Sheerness and Selsey Bill which can be considered an available harbour of refuge at all times of tide, or which possesses the capability of being rendered efficient for that purpose by any improvement or alteration that can be made."

The Commissioners then proceeded to consider how an efficient harbour might be made, and they stated that the most important situations which called for the attention of the Government and the country were these—the first was at Dover, the second at Beachy Head, and the third at the mouth of the Thames. The question, therefore, was, whether the Government were prepared to take up one of these places; but he did not see in what respect further or more detailed information could be obtained. In the same way, if any private company was induced to construct the harbour, they could employ their own engineer; but, so far as any general views of the subject were concerned, he thought the fullest information was contained in the report.

Sir *Robert Peel* did not see the advantage to be derived from the appointment of committee to review the decision of the commissioners, who had already reported to the House. Those commissioners were intimately acquainted with the subject upon which they had to determine, and were beside able and impartial. If a committee were appointed, one of two evils must arise—either the House must admit the representatives of local interests or they must exclude them. If they excluded them, why should the committee be better able to form an opinion than the commissioners who had sat last year? If they admitted them, he feared that it would be any thing but an harmonious committee. It would be a battle for the views of the constituencies, and he certainly should be very much surprised if the right hon. Gentleman should be convinced of the superior advantages of Dover for the purposes pointed out. It would be a conflict of local interests; and it would be better to let the decision of the commission remain unreviewed by a committee of the House. For his own part, he did not see the advantage of the Government declining, under any circumstances, to build a harbour; but he was equally opposed to the principle of the employment of local exertions; unless they were properly directed the effect would be, a great expenditure of money, without any real good. The question, he thought, must in the end rest with the Government; and his belief was, that in order to do anything effectual, they must make a large expenditure. Supposing they determined to make a harbour of refuge in the Channel, the Government should declare their readiness to expend 2,000,000*l.* or 1,500,000*l.*, and calling the commissioners of the Board of Ordnance, should say, "Tell us what is the locality where a harbour of refuge may be best formed," and then he should advise that it should be constitututed on a really effectual scale, and in a manner which should render success certain. But he was bound to say, looking at the present state of the expenditure of the country, he could not press upon the Government the too hasty adoption of a measure, which, however advantageous it might be, would involve a vast expense.

Mr. *Rice* would be prepared to show, if they went into committee, that the expense would not be one-fourth the amount estimated by the Chancellor of the Exchequer.

The House divided on the question that a select committee be appointed to take into consideration the state of the harbours on the South Eastern coasts—Ayes 38, Noes 102: Majority 64.

List of the AYES.

Bailey, J.
Bailey, J. jun.
Boldero, H. G.
Broadwood, H.
Burr, H.
Cochrane, Sir T. J.
Darby, G.
Duncombe, T.
Fitzroy, H. H.
Fremantle, Sir T.
Grimsditch, T.
Hodges, T. L.
Hodgson, F.
Hodgson, R.
Hollond, R.
Hope, G. W.
Howard, F. J.
Jones, J.
Lemon, Sir C.
Mackenzie, W. F.
Mackinnon, W. A.
Miles, P. W. S.
Neeld, W.
O'Brien, S.
Pease, J.
Pechell, Captain
Plumptre, J. P.
Rumbold, C. E.
Sheppard, T.
Smythe, hon. G.
Vere, Sir C. B.
Wakley, T.
White, A.
Wilmot, Sir J. E.
Wilshere, W.
Wodehouse, E.
Yates, J. A.
Young, Sir W.

TELLERS.

Rice, E. R.
Planta, rt. hon. J.

List of the NOES.

Adam, Admiral
Alston, R.
Baldwin, C. B.
Baring, rt. hn. F. T.
Barnard, E. G.
Bewes, T.
Blake, W. J.
Bolling, W.
Botfield, B.
Broadley, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Bruges, W. H. L.
Busfeild, W.
Campbell, Sir J.
Canning, rt. hn. Sir S.
Davies, Colonel
Divett, E.
Douglas, Sir C. E.
Drummond, H. H.
Duke, Sir J.
Dundas, C. W. D.
Elliot, hon. J. E.
Ellis, W.
Ewart, W.
Gladstone, J. N.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Grey, rt. hon. Sir G.
Grimston, Viscount
Halford, H.
Hastie, A.
Hector, C. J.
Herbert, hon. S.
Herries, rt. hon. J. C.
Hope, hon. C.
Howard, P. H.
Howard, hn. C. W. G.
Howick, Viscount
Hume, J.
Humphery, J.
Hutt, W.
Inglis, Sir R. H.
Johnson, General
Labouchere, rt hn. H.
Lascelles, hon. W. S.
Lowther, J. H.
Lushington, C.
Lushington, rt. hn. S.
Marsland, H.
Martin, J.
Maunsell, T. P.
Miles, W.
Morgan, O.
Morpeth, Viscount
Morris, D.
Muskett, G. A.
Nicholl, J.
O'Connell, J.
O'Connell, M. J
Packe, C. W.
Peel, rt. hon. Sir R.
Philips, M.
Pusey, P.
Rae, rt. hon. Sir W.
Rawdon, Col. J. D.
Rolleston, L.
Rundle, J.
Russell, Lord J.
Salwey, Colonel
Scholefield, J.
Seymour, Lord
Smith, R. V.
Somerset, Lord, G.
Stanley, hon. E. J.
Stanley, Lord
Stansfield, W. R. C.
Stewart, J.
Stuart, Lord J.
Stuart, W. V.
Strickland, Sir G
Strutt, E.
Style, Sir C.

Tancred, H. W.
Teignmouth, Lord
Thornley, T.
Trotter, J.
Tufnell, H.
Turner, E.
Verney, Sir H.
Vivian, J. H.
Vivian, J. E.
Vivian, rt. hon. Sir R. H.
Warburton, H.
Wilbraham, G.
Williams, W.
Wood, C.
Wood, G. W.
Wood, B.
Worsley, Lord
Wyse, T.

TELLERS.

O'Ferrall, M.
Parker, J.

CAPTAIN LAROCHE.] Mr. *Alston* moved, that the petition of Captain Laroche R.N., be referred to a Select Committee. He regretted being compelled to occupy the time of the House with this case, but he thought he should be able to show that it was one of severe injustice, and that every endeavour having been made to attain redress without success; there was no alternative but an appeal to Parliament. Captain Laroche during twenty-five years of active service commanded twelve ships of war with great success; and obtained the approbation of Lord Hood and Sir Hyde Parker. At the siege of Toulon he defended a floating battery till it was almost utterly destroyed and himself severely wounded. Subsequently, when chief of the observing squadron off home, he captured two privateers, which had been running throughout the war to the great injury of the merchants, and for this service he received the thanks of Lord Keith. In 1807 when in the command of the Uranie frigate, Captain Laroche was employed to blockade the Port of Cherbourg, which service he performed though with very inadequate means. Nevertheless on being relieved from this station, he was brought before a court-martial, for not doing his utmost to bring to action and destroy a frigate and brig, then lying in the harbour of Cherbourg. He (Mr. Alston) had read the evidence adduced before this court, and he must say it appeared to him most vague and contradictory. Notwithstanding this, however, and notwithstanding the remarkable fact that the prosecutor (Lieutenant Morisson) did not join the ship until the 19th of May, four days after the events on which his charges were founded the court decided that those charges were partly proved, and sentenced Captain Laroche to be dismissed from the command of his ship. It was impossible any one should suppose, than an officer selected by Lord Hood for the command of a floating battery, constantly employed by Sir Hyde Parker in all cases of difficulty, and whose services had obtained the thanks of Lord Keith, could have failed, (if he did fail) from want of courage and zeal. But, it could be shown that he did not fail, that with most inefficient means he did all that man could do; and consequently that the judgment of the court, however conscientiously given, was erroneous. On receiving a sentance so terrible to the feelings of a British sailor, and confident of his innocence, Captain Laroche addressed two letters to Lord Mulgrave, then first Lord of the Admiralty, begging for a revision of his case, and commenting strongly on the injustice of his treatment. The Board of Admiralty considered, however, that these letters were of an intemperate and improper character, and threatened that unless they were withdrawn steps should be taken to prevent Captain Laroche being again employed. Unfortunately, though he offered to apologize on the objectionable passages being pointed out to him, he did not withdraw the letters, and well had the threat been executed; not only had Captain Loroche been suspended for thirty-three years from the active duties of his profession; but in the successive promotions which had taken place his name had been passed over, and he now found himself in his 74th year with this cruel imputation still resting on his name. It was most important to prove that the sentence of the court had not been the cause of this severe treatment; and he (Mr. Alston) would therefore read to the House the correspondence which took place in 1808 The hon. Member here read—

(Copy).

"*Admiralty Office*, 19*th April*, 1808.

"SIR,

"Lord Mulgrave having laid before my Lords Commissioners of the Admiralty your letter, addressed to his Lordship, of the 13th inst., I have it in command to acquaint you, that their Lordships observe with surprise, the very unbecoming reflections, and the many unfounded assertions contained therein, but, unwilling to take such measures as they conceive your conduct to merit, on this occasion, without first affording you an opportunity of reflecting on the impropriety thereof, they are pleased to give you leave to withdraw the said letter with a suitable apology for those highly indecent and groundless reflections on the Board of Admiralty, the Flag-officer commanding at Portsmouth, and the members composing the Court-martial, by whose sentence you were dismissed from the Uranie. Should you, however, not be disposed to avail yourself of this indulgence, their Lordships will proceed without delay, to take such measures as the case may seem to require.

"I am, Sir,
"Your humble servant,
(Signed) "W. W. POLE."
To Captain Laroche,
"No. 13 Princes-street, Cavendish Square."

Extract from Captain Laroche's Answer to Mr. Wellesley Pole's First Letter.

"I beg, in reply, to assure their Lordships, that it was by no means my intention to use language, or to introduce reflections in any way calculated to offend the Board of Admiralty, and if I have intentionally conveyed any expressions offensive to their Lordships, or to the Flag-officer commanding at Portsmouth, from the acuteness of my feelings under the mortifying and distressing circumstances of my case, it gives me sincere concern, and if any such expressions can be pointed out, I shall have real pleasure in apologising to their Lordships, and to that worthy and gallant officer, Admiral Montague, who was neither named, nor intended to be alluded to, far less reflected on by me."

"*Admiralty Office*, 17*th May*, 1808.

"SIR,

"I have received and communicated to my Lords Commissioners of the Admiralty, your letter of yesterday, requesting to know if you may expect an answer to your letter of the 30th of April, and I am commanded to acquaint you, that their Lordships are of opinion it requires no reply. My Lords have directed me to signify to you, that in consequence of the very indecent reflections on your superior officers and the unfounded assertions contained in your letter to Lord Mulgrave, of the 13th of April, which letter you have thought proper (notwithstanding their Lordships' indulgence) to decline withdrawing, their Lordships have ordered a minute to be made on the records of the Admiralty, with a view to prevent your being again employed in his Majesty's naval service.

"And I am further directed to desire, that you will desist from addressing the Board on the subject of your Court martial.

"I am, Sir,
"Your very humble Servant,
(Signed) "W. W. POLE."
"To Captain Christopher Laroche."

Surely the House would be of opinion that the punishment had been more than commensurate with the offence. Yet all his applications for redress had been refused. He had seen officers who had actually been struck off the list, not only reinstated, but promoted to their respective flags; and it was only when he saw the whole body of retired officers removed to the active list,—and when in answer to his renewed application, reasons had been assigned for its refusal utterly different from those given in 1808—that he had been advised to appeal to this House for that protection and redress which every man who had served his country was entitled to expect at their hands. In proof of the discrepancy in the reasons assigned by the Admiralty, the hon. Member here read,—

"*Admiralty* 24*th Feb.*, 1841.

"SIR.

"Having laid before my Lords Commissioners of the Admiralty your letter of the 19th inst. requesting to be informed on what grounds or under what regulation, you were passed over by the then Board of Admiralty in the general promotion, I am commanded by their Lordships to acquaint you that they have no doubt that the reason you were passed over in the promotion you allude to, was from the circumstance of your having been dismissed from the command of the Uranie by sentence of Court-martial; the power of doing so being vested in the Board of Admiralty by the Order in Council then in force.

"I am Sir,
"Your very humble Servant.
"(Signed) I. BARROW,
"Captain Christopher Laroche."

And, to shew the estimation in which Captain Laroche was held by his brother officers—

"76 *Grovesnor Street.*
"18*th March*, 1841.

"MY DEAR LAROCHE.

"It will afford me much satisfaction if any testimonial of mine can be of service to you in obtaining the object of your memorial now about to be brought before the House of Commons; it is however a long time since we served together and then not for a very long period; but I have a most distinct recollection of the character you bore as an officer, seaman, and gentleman in the estimation of your Commander-in-chief, the late Sir Hyde Parker as well as the captains of the squadron generally serving, under his command on the West-India station, and of my own knowledge, I can in justice declare, that I never saw or heard of any part of your conduct as unbecoming an officer and a gentleman.

"Wishing you every success,
"Believe me with great regard,
"Your ever truly,
"BLADEN CAPELL."

"*West End, Southampton*,
"25*th Feb.* 1841.

"MY DEAR LAROCHE,

"I have been absent from home; but immediately on my return I sit down to answer your letter of the 18th inst., 'requesting me to send you a few lines conveying my opinion of your professional character.' This I can do easily and satisfactorily to your feelings.

"My opinion of you was formed at an early period of our naval career, when we served together for severals years, as lieutenants of the St. George and Britannia. Some part of this time I was the forecastle-lieutenant of your watch, we were almost constantly at sea, and I had good opportunities of having my own observations confirmed by the frequent remarks of the seamen amongst themselves on the forecastle, 'that you were a good officer, a good seamen, and that there was no fear of anything ever going wrong whilst it was your watch on deck, and the ship was in your charge.' I often noticed at such times how much confidence the Admiral used to place in you. This is fresh in my memory, although upwards of forty-five years ago, together with circumstances of no importance in themselves, but enough to have then made a favourable impression on my mind. These are bye-gone days, and there are few left to remember them; but if my reminiscence of them will be any consolation to you at this late period of our lives, most readily do I give it, with a further recollection, that according to my judgment at that time you were particularly zealous in your duties, and appeared to me always to have the good of the service at heart.

"Ever yours faithfully,
"WENTWORTH LORING."

"To Captain Laroche, R. N."

This then was the case of a gallant but ill-used officer who now entreated the interposition of the House; he did not ask for favour, but for justice. He courted the fullest and most searching inquiry, well satisfied he should be able to show how utterly unfounded were any imputations on his character. He (Mr. Alston) was aware that applications like the present were generally resisted on the ground that this House was not the proper tribunal of appeal, and that the admiralty was the only fitting judge; but with every respect for that board, he was not disposed to recognize it, as in all respects purely infallible. He did think that in the case of Captain Laroche, that board had acted erroneously, and he thought that this House, as the representatives of the people, were bound, as one of their first and highest duties, to give protection to all servants of their country, who it can be proved have not disgraced that service. He trusted that the House would so decide on this question as would give to a gallant old officer the opportunity of disproving all imputations upon his good name, and thus of soothing his few remaining years with the certainty of leaving behind him an honoured and untarnished name.

Sir *Thomas Cochrane:* I rise to give a direct negative to the motion of the hon. Member for Hertford. In doing so I beg to be understood as offering no opinion and passing no judgment upon the merits of the petition he advocates; my opposition is upon general grounds, and the full persuasion that the carrying such a motion is extremely injurious to the best interests of the naval and military service. Sir, long before I had the honour of a seat in this House, I observed with great regret the frequent attempts made to wrest from the Government of the day the executive power, and transfer it to this branch of the Legislature. Sir, such appeals, if successful, from officers or men of the army and navy, inflict a severe blow upon the discipline and efficiency of both services; they encourage those who ought to look up to the heads of their respective departments with trust and confidence in the idea that they are deficient either in skill or integrity, and that their complaints are not likely to receive a patient, an intelligent, or honest hearing anywhere but before a committee of this House. Sir, what reason is there to doubt that the Board of Admiralty would not do full justice to petitions, or what object could they have in withholding from him that redress to which he might be entitled? Sir I have no particular predilection for the present Board of Admiralty; I am opposed both to their principles and measures; but Sir, I will not do them the injustice, and I should ill acquit myself as a Member of Parliament, or as one belonging to the naval profession, if I did so, of allowing it to be supposed they could be guilty of preventing the course of justice between any individual under them and themselves. Then, Sir, under what pretence can the hon. Member for Hertford be induced to bring forward a motion for the purpose of submitting to a committee of this House a petition referring to matters that have gone by above thirty years? The petitioner was tried by the proper military tribunal, and if he had any fault to find with the sentence passed upon him, surely that was the period to bring it forward, and not at this distance of time. Will the hon. Member allow me to ask, what course would he propose to himself in the event of obtaining his committee? for let me tell him, he must not be satisfied with the simple production of the minutes of the court-martial (in itself a very strong measure); for, be it observed, Captain Laroche not only complains of his sentence, but of the combination against him among the witnesses. So this committee must call before them every living witness, and in fact hold a fresh court-martial upon Captain Laroche. Is he, then, (will the hon. Member allow me to ask) ready, as president of this committee's court-martial, to enter upon the investigation of Captain Laroche's conduct—is he ready to rip up the whole of the nautical transactions to which it must refer—is he prepared to investigate into, and decide upon, all the evolutions and nautical proceedings in which the petitioner's conduct is implicated; for if he is not prepared to do so, he does nothing. Why really, Sir, this proposed proceeding cannot but appear to any hon. Member but as extremely absurd, and at once show how improper and unsuitable it is to bring such questions before this House. Sir, I repeat, that the entertaining of such motions by this House is extremely detrimental to both services of the country, and are not to be listened to unless in such an extreme case as it is difficult to anticipate; they tend to insubordination, to unhinge men's minds, to cause dissent, and to lead both officers and men to rely upon others than those who are placed over them. It is with great pain I thus oppose any motion which an old brother officer thinks might be serviceable to himself, and who I think has been ill-advised in bringing forward this question. Nothing would give me more satisfaction than to have had it in my power to assent to any measure which might be the means of imparting consolation or gratification to him; but a strong sense of duty impels me to the present course, and while I repeat that I most carefully abstain from passing any opinion upon the merits of the case, I must give the motion my decided opposition.

Sir *Charles Adam* felt great pain in being obliged to speak at all on the present occasion, and regretted much that the hon. Member had thought proper to bring forward the case. He lamented the position of an old officer who had, no doubt, done great service to his country, and he regretted to be obliged to enter into the details of the court-martial, in order to show that the Board of Admiralty at the time could not have done otherwise than it did. Captain Laroche had been commander of the Uranie, off Cherbourg, in May and June, 1807, and for not taking proper steps to bring a French frigate to action at that period, he was charged by the first lieutenant of the vessel, who had only joined on the 19th of May previous, and who then found that the officers complained generally of the captain's conduct. After much consideration, the first lieutenant determined to prefer the charges against the captain. A court-martial was decreed, and after sitting three days, it sentenced captain Laroche to be dismissed from the command of the Uranie, stating that the charge was in part proved. The hon. Gentleman said that the charge should have been entirely proved; but the charges were distinct and separate, for not bringing the enemy's frigate into action, for not having his ship in readiness, and for acting against the 10th, 12th, and 13th articles of war. After this court-martial, six months elapsed before captain Laroche made any representation to the Admiralty. When he did, there was every reason to believe that the minutes of the court-martial had been examined, and he was then told that the Admiralty did not think it necessary to take any steps in the matter. Captain Laroche then wrote a most intemperate letter to Lord Mulgrave, which the Admiralty gave him leave afterwards to withdraw, but which he refused to do. But in a letter which he afterwards wrote, he, in some measure, expressed his regret, but concluded by repeating the very same offence. The consequence of this was, that the Admiralty made a minute that he should be no futher employed in the King's service. There could not have been a fairer or more efficient set of officers than those who composed the court-martial that sat on Captain Laroche; amongst whom were Captain Irving, Captain the Hon. Courtenay Boyle, Sir George Stopford, and others of the highest reputation. Having received the answer of the Admiralty, Captain Laroche seemed to have allowed the matter to remain there. For many years he took no steps. After the general promotion, at which he, as being one of the senior captains, would have been advanced to be a flag officer, had he an unblemished character, Captain Laroche applied to the Board of Admiralty. The Order in Council specially limited the promotion to officers of unblemished reputation. He would ask, could any Board of Admiralty, when they were satisfied of the justice of the sentence of the court-martial, have promoted Captain Laroche? No further representation was made until 1840, when a memorial was again sent into the Admiralty, recapitulating what had taken place at the court-martial, impugning the conduct of the officers, and again requesting to be promoted. Reference was again made to the records of the court-martial, and the present Board of Admiralty being of opinion that the sentence was just according to the evidence, they did, and could do, no otherwise than refuse the request of promotion, at the same time they stated the reasons which obliged them to obey that disagreeable necessity. This was the state of Captain Laroche's case, and though he much regretted to be obliged to state so much, he felt bound to oppose the motion of the hon. Member. He admitted that the House of Commons should be open to the complaints of every subject of the Queen, but he must at the same time say, that when an appeal of this kind was made, it should be made out clearly before they interfered, and especially where a general court-martial had pronounced sentence.

Captain *Pechell* expressed his surprise at the manner in which the gallant Officer, the Member for Ipswich, had met this question by volunteering the old official practice of the Lords of the Admiralty of the year 1837. He (Captain Pechell) could not conceive a more disagreeable or painful duty than that of being compelled to censure a brother officer; and he concluded, that nothing but a stern and rigid sense of duty could have tempted the hon. Member to exercise his privilege in so summary a manner, without even giving the official authorities in the House an opportunity of explaining the course which they intended to pursue on this occasion. The hon. Member was one of those, who, in the late debate on naval affairs, complained of the insufficient manner in which our ships were manned, and of the inferiority of the weight of metal with which they were furnished, as compared to those in the navy of France; but he was unwilling in the case of Captain Laroche, to take into consideration the circumstances under which that officer was placed when in command of the Uranie during the blockade of the port of Cherbourg, and this was a most important feature in the case as the enemy's ships were far superior in force to those which confined them within the limits of the port. In those days, hon. Members did not take into calculation the number of guns or men which the frigates of the enemy might carry, they expected whenever a British frigate was brought into hostile collision with an enemy, that she would be able to give a good account of the business. He (Captain Pechell) therefore called upon the House to bear in mind, that Captain Laroche was employed on a most dangerous and difficult service in blockading a large French frigate and corvette in the port of Cherbourg, and that the ship he commanded was of vastly inferior force to that of the enemy, as was the little vessel which assisted him on this duty. It had been the practice of the French frigate and the corvette to make frequent demonstrations within the limits of the port, with the view of drawing and tempting Captain Laroche under the formidable batteries with which the coast is furnished, and it was on one of these occasions when the French frigate had ventured out a little further than usual, the Captain Laroche was blamed for not doing his utmost to bring the enemy to action, though it was well known that very great prudence was necessary not to risk the loss of his Majesty's ship, or her being crippled by the batteries, and then enabling the enemy to leave the port unmolested. Whatever might have been the opinion of those officers of the Uranie who gave evidence against their Captain; it was clear that the lieutenant in command of the brig (the consort of the Uranie) gave the most valuable testimony in favour of the exertions of the Uranie to close with the French frigate, so long as it was compatible with the safety of his Majesty's ship. Captain Laroche with his twelve pounders was opposed to the La Manche with eighteen pounders, and with a crew of nearly twice the number to those on board the Uranie; and it is a well known fact, that there is no record of an English frigate with twelve pounders having captured a French frigate with eighteen; but it is on record that a French frigate of eighteen pounders had triumphed over one of his Majesty's ships with twelve pounders, in the case of the Ville de Milan and the Cleopatra. The gallant Admiral (Adam) complained that the hon. Gentleman who introduced this motion had carefully kept back all that related to the engagement with the French frigate; now he (Captain Pechell) considered that the gallant Admiral had kept back the very important fact of Captain Laroche having maintained an effectual blockade of an enemy's port with a far inferior force, and that during that period no vessel was permitted either to escape from, or to enter that port. These were circumstances which ought to be taken into consideration, when the character of an old and deserving officer was at stake. Undoubtedly, in those days, much more was expected from our ships than in justice should have been required, and it was such daring deeds as those of Lord Cochrane in Basque Roads, which led people to expect that similar risks might be always run without prejudice to the service. And it was very probable that if the French frigate off Cherbourg had been similarly situated to the enemy's ship in the Roads of L'Isle D'Aix, Captain Laroche might have earned those laurels which were so well bestowed upon the relative of the hon. Member for Ipswich, he (Captain Laroche) was placed on a dangerous shore without the benefit of anchorage, and, therefore, he would have engaged the enemy under every possible disadvantage. The gallant Admiral had also remarked, that Captain Laroche had neglected to prefer his claim for promotion for thirty-two years; but he (Captain Pechell) considered the officer to have exercised a sound discretion by refraining to make an appeal to those authorities who had sanctioned his removal from the Uranie; but when a liberal Government, and as was supposed, a liberal Board of Admiralty, came into power, Captain Laroche considered that the time had arrived when justice would be rendered to his long services, and he was the more induced to prefer his claim at this time, when the favourable occasion of her Majesty's marriage and the birth of the Princess Royal, might afford a fair opportunity of placing an old and gallant Officer in that rank and station to which he was now fairly and justly entitled.

Mr. *Alston*, in reply, observed, that several officers had been dismised the service for offences of a very serious character, and yet were restored after a much shorter interval than had elapsed since the trial of Captain Laroche.

Motion withdrawn.

COLONIAL APPOINTMENTS.] Mr. *J. O'Connell*, in rising to move for certain returns, observed, that there was a feeling amongst the members of the Irish bar that they had not been fairly treated in reference to the judicial and other appointments which had been made in the colonies; of the appointments which had been made during the last ten years, only five or six had been conferred on members of the bar of Ireland. The hon. and learned Gentleman then moved for returns of each British colony, dependency, or possession, in which, since the legislative union between Great Britain and Ireland, down to the present time, the office or offices of chief or other justice, or judge, or magistrate of any supreme or district court of law, equity or admiralty, or Attorney or Solicitor-general, has or have existed or been created; the name of each such office or offices in each such colony respectively, together with the date of creation; the name and salary of each person appointed to each such office, with the dates of each appointment; whether such person was, at the time of his appointment, a member of the bar of England, Ireland, or Scotland, and of which respectively.

Lord *J. Russell* said he must oppose the motion, as it would be impossible to give the information required as related to the members of the different bars of England, Ireland, or Scotland; a return as to the other particulars existed up to the year 1832.

Motion withdrawn.

CHURCH RATES—CASE OF MR. BAINES.] Mr. *Easthope* said that when, on a former night, he moved that the petition of Mr. Baines should be printed, he stated that it was not his intention, in bringing it under the consideration of the House, to go into the general question of the abolition of church-rates, but, as much as he possibly could do so, to confine himself to the grievance complained of by the petitioner. He was aware, and he was sure the House would be aware, that it would be very difficult, if not impossible, to state the case of William Baines, who was now immured in prison for the non-payment of church-rates, without making some reference to that question; but he would redeem the engagement which he had made with the House, and keep as closely to the case of William Baines, and abstain from going into the general question as much as possible. This petitioner stated, that he was an inhabitant of St. Martin's, in the borough of Leicester, and

> "That, on the 17th of May, 1838, the inhabitants of the said parish laid a church-rate of sixpence in the pound; payment of which rate, amounting to two pounds five shililings, was demanded of your petitioner, on the 13th of August, 1838, and was by him refused.

That your petitioner, besides having a conscientious objection to church-rates as such, objected to this rate in particular, as being, in his judgment, illegal; and that, when summoned before two of the borough magistrates, your petitioner disputed the validity of the rate, and required them to withhold giving judgment in his case; and the case was thereupon dismissed. That your petitioner received a 'citation' from the Arches Court of Canterbury, dated November 15, 1838, to which your petitioner gave no attention; that your petitioner was thereupon pronounced in contempt. That your petitioner was afterwards served with a 'decree to see further proceedings,' of which your petitioner took no notice. That your petitioner subsequently received a 'monition' for the payment of the rate and costs, amounting to 127*l.* 3*s.*, which your petitioner declined to obey; and that, in consequence, a writ for the attachment of your petitioner's body was issued, June 6, 1839, from the Court of Chancery, on a significavit from Sir Herbert Jenner, official principal of the Court of Arches."

The petitioner went on to say,

"That your petitioner immediately applied to the Court of Queen's Bench for a rule *nisi*, on the grounds that the evidence given in the Court of Arches had been clandestinely taken, and that your petitioner ought to have been cited before the court of the bishop of the diocese: that the court granted the rule applied for by your petitioner, in consequence of which proceedings against your petitioner were stayed; that the case having been heard on the 27th of April, 1840, judgment was subsequently given against your petitioner, and the rule *nisi* discharged. That your petitioner was arrested on the 13th of November last, by the sheriff's officer, was taken from his family and business, and has now been for eleven weeks a prisoner in the county gaol of Leicester."

He proceeded:—

"Your petitioner respectfully submits to your honourable House, that injustice has marked every step of these proceedings against him. That it is unjust to make a demand upon your petitioner for the support of a form of worship which his conscience repudiates. That it is unjust, when your petitioner has good ground for believing that demand to be bad in law to send him for his remedy to an ecclesiastical court, aud call upon him to recognise the authority of the dignitaries of a church of which he is not a member; and to seek at an enormous expense the decision of a question involving your petitioner's rights at the hands of parties interested in giving judgment against him. That it is unjust that your petitioner should, for no valid reason and without his consent, be cited before the Arches Court of Canterbury instead of before the court of the bishop of the diocese in which he resides; whereby the expense is increased five-fold, and is rendered intolerably oppressive. And that it is unjust to take the person of your petitioner, and confine him in a gaol, when he has been guilty of no crime against society, and has merely carried out his principles, as a dissenter from the established religion, choosing to obey God rather than man."

Now he (Mr. Easthope) did not mean to urge that this case had been dealt with differently from other cases which had come formerly under the consideration of the House; but he did mean to present this case to the House as one of those which were ill calculated to serve the interests of the Church. In the case to which the attention of the House was now requested, it should also be observed that, before the proceedings were commenced in the Ecclesiastical Court, the churchwardens of the parish in which Mr. Baines resided called a general vestry, to take into consideration the propriety of further proceedings. That vestry came to tbe unanimous determination that it was inexpedient to proceed in the business. They stated, as the ground of that determination, that they expected that Parliament would alter the state of the of the law, and prevent any further litigation on the subject. This was the decision formed in the very parish in which Mr. Baines resided, by the vestry who had engaged in making the church-rate, by parties who were to benefit if he paid the rate, by those who were intimately acquainted with all the circumstances. The House had also had that evening presented to them petitions from the town of Leicester; first, from the congregation of religious persons with whom Mr. Baines worshipped, in which that person was described as a person of exemplary worth, as a man fulfilling all the relations of life with great propriety; esteemed, and justly esteemed, as they stated, by all who knew him. They had also received a petition, signed by no less than 6,000 persons, inhabitants of Leicester, without reference to religious persuasion, signed, among others, by nearly all the municipal authorities. An address had also been conveyed to the throne, expressing the prayer of 7,000 of the females of Leicester. In short, he believed that never was there an interest more intense, with reference to a case of grievance, than that which had now so long prevailed in that town on this subject. He had said that the parish meeting which assembled on the subject came to the unanimous determination, that it was inexpedient to proceed further in this case; he believed that they came to that determination, under the impression—indeed it was stated at the meeting that they entertained the full expectation—that there would be an alteration in the law, and that, therefore, it was thought it would be inexpedient to proceed with the case; and he (Mr. Easthope) felt, on looking over the debates which had taken place in that House in reference to this subject, that it could be no matter of surprise with any person that these parties should have come to such a determination under such an impression. For instance, in the course of the debate, on July 24th, last year, he found that the noble Secretary for the Colonies stated that—

> "He thought that those persons who, from a conscientious feeling, sought to make the laws respected by enforcing the punishment of imprisonment against those who violated the laws, did no good whatever in the way of maintaining a respect for the law when they acted not in accordance with the general feeling of the community."

These parties, then, he (Mr. Easthope) thought, made a very discreet use of the language which the noble Lord so appropriately and fitly used in that House. They knew that not only was there a general sympathy with Mr. Baines, and not with this law, but that the means taken to enforce the payment of these rates were a violation of all the sympathies and all the feelings which prevailed in the community where the process was instituted. If he were to attempt to describe the excitement which had prevailed, and still continued to prevail, the general feeling which strongly pervaded the minds of all classes in that community, he should fail in the attempt; but he would ask the noble Lord whether he thought it possible that the interests of any Church, or of religion in any shape or form, could be advanced by any such means, or by the recurrence of such cases as this? They had already discussed in that House, in various forms, this question of punishment and imprisonment for church-rates. They had had it discussed in cases where the Government of the country had proposed plans for the abolition of these rates—they had had it discussed in a case in which an individual of an humbler class was, like Mr. Baines, incarcerated in prison; and the general sentiment of the House had been, that such imprisonments and such enforcements of payment were ill adapted to promote the cause of religion, and very ill adapted to advance the interests of the Established Church. He was sorry that it was his duty to have to describe the peculiar situation of the individual who was now labouring under this imprisonment. Mr. Baines was not an individual in an humble class of life; he was a person engaged in a large and profitable business; who, up to this affair, was surrounded by all the comforts of home, with a wife and family, from whom he was now severed, and from whom he had been severed since the month of November last, undergoing privations and discomforts which no man would be prepared to endure from a mere theory or fancy, or from anything short of a religious conviction, impressed on his feeling and conscience. And what position did the House occupy in connection with this subject?—that of carrying on and enforcing a state of law which operated against all the best principles by which man ought to be guided: that of depreciating that which they ought to advance, and discouraging that which they ought to promote. The noble Lord, on a former discussion, which took place on the 24th of July, 1840, said that—

> "As to the general question of the state of the law, he was not one of those who wished the present system to be continued. He wished very much they had some substitute by which the sums now collected for the repairs of the Church could be raised in a less objectionable and onerous manner."

He was confident that, much as that noble Lord was attached to the Established Church—and let him say that he yielded not to the noble Lord or any other person in attachment to the Church—he was confident that the noble Lord must feel that such continued sufferings as Mr. Baines was now enduring, could not be necessary, and ought not to be required for the maintenance of any worship, and could not advance the interests of any religious community. He felt, that having stated that he would confine himself to the case of Mr. Baines, he was necessarily precluded from going into the general question of Church-rates, and that he should be considered as offending against the House, if he extended his statements to a wider sphere. To describe the feelings which prevailed in the locality in which Mr. Baines was imprisoned was out of his power, and he was equally unable to express the deep sense of shame and regret he felt that such a case as that which had excited those feelings should arise in relation to the religion of his country. He was not disposed to hold forth the language of reproach, but he wished, most sincerely and anxiously, to hold forth the language of entreaty, that those Members of the Established Church, who were more generally understood as its advocates and champions, would look to the effect of those occurrences; and, considering what their unavoidable consequences must be, what all such bitterness and strife must produce, what evil feelings and want of charity these continual conflicts must and did lead to, would apply themselves in good earnest to the consideration of a remedy, which, whilst it sustained, as it ought to do, the true principles of religion, should not inflict bitter sufferings on, or outrage the feelings of, those who differed from the Established Church in its forms of worship. In the town of Leicester there was no Church-rate levied, except in the parish of which Mr. Baines was an inhabitant, and in that parish there was no individual who more honestly and more sincerely lamented the effects produced by this unfortunate state of things than the clergyman who resided in it, the hon. and rev. Mr. Erskine, a name venerated by all lovers of liberty. That rev. Gentleman had told him that it was one of the greatest discomforts of his life, and that there was nothing he was more anxious for than to see an end put to these embittering conflicts. Nor would it be long before this state of things in the town of Leicester would be extended beyond the case of Mr. Baines. There were now twenty-six individuals there who were under legal citation, and who were subject to be also immured in prison, and who were daily in expectation that such would be their fate. There were also no less than ten persons now under summons for tomorrow. Now, what would be the effect if this state of things were allowed to go on, and the House remained passive, after the repeated and strong declarations which had been made from all quarters against such a system? What would be the effect on the public mind if those twenty-six, or rather thirty-six persons, were also to be immured in prison like Mr. Baines? Nor was this all that had come to his knowledge. In an adjoining county there was a dissenting minister under citation, who daily expected to share the fate of Mr. Baines. It had been repeatedly stated in that House, and very emphatically stated in a former discussion by the right hon. Member for Montgomery (Mr. C. W. Wynn), that

"He agreed with the noble Lord in thinking that the disputes which had arisen on the subject of Church-rates in different vestries very likely, if allowed to continue, to prove prejudical not only to the peace of particular parishes, but to the general interests of religion. Was it not predicted in all the debates that were had in that House, that it would be quite impossible for these scenes of conflict and dissension to be smothered or put an end to by enforcing Church-rates."

Had not almost every public man who had taken any part in these debates given it as his opinion, that it was impossible that such strife and such bitterness, grounded as they were on differences in religious opinion, and festering as they did under the belief that the enforcement of the rates offended against conscience—was it not foretold by everybody that such a state of things must produce the results which were now becoming manifest, and which would become still more and more alarming if a remedy were not applied? And, let him seriously put it to the House, for what object—to what end—was all this? Would the Church benefit by it? Look at Leicester: every parish in that considerable town, except this particular parish, had its worship regularly and properly conducted, the fabric of its Churches sustained, and harmony among its inhabitants uninterrupted. Yet no Church-rates were levied; while in this parish, where there happened to be a majority who thought it to be their duty to pay Church-rates, there were continual uproar, schism, and conflicts; sales of goods, to pay Church-rates, were seen, which exhibited all the buffoonery of Merry Andrew shows; neighbour was arrayed against neighbour, and one set of persons against another, who would otherwise live together in a state of kindly and charitable feeling. What, he would ask, must be the feeling of the large majority of this town, when, as was matter of notoriety, this very individual, who was suffering under the sentence of the law, who had, during four of the severe winter months, been incarcerated in a dreary prison; when this very individual, while thus immurred, had been elected a town councillor, by the largest ward in the town, consisting of nearly 20,000 persons? Could anything exhibit more palpably and strongly, that there was no sympathy with such a law, that the law was repudiated, and that those who violated it were considered more to be honoured than those who obeyed it. Whatever might be said to the contrary, Mr. Baines was considered in Leicester as a martyr, as a man of high courage, and unflinching honesty; and this was unequivocally manifested by the evidence of near 20,000 persons, who not only him to be one of their corporation, but voted him such by an unanimous vote. There was not one man who voted against him; not one man who said that Mr. Baines was not a proper man to be elected; not one man who suggested a representative in the town-council in preference to Mr. Baines. He (Mr. Easthope) was convinced that the noble Lord would feel that the continuance and the enforcement of such a law in a community where such feelings prevailed, could not in any way forward the objects for which the law was professedly employed; it was a scandal to the Church, admirably adapted to produce its decline, admirably adapted to work the work of those who were its enemies, but not at all adapted to advance those great and good results which the Church aimed at, and which its religion, if left to itself, to its own genial influence, would be sure to produce. He had said, that he would strictly confine himself to the particular grievance of Mr. Baines. He was aware that in doing so he could not do that justice to his case which he could wish, and that he might fail to produce that impression which he had desired to make; but limited as he was by the engagement which he had made, he would conclude by moving,

"That it appears by the petition of William Baines, a Protestant Dissenter, that he has been confined in the county gaol of Leicester since the 13th day of November last, for the non-payment of 2*l.* 5*s.*, being the amount of a Church-rate assessed upon him for the parish of St. Martin, in the borough of Leicester; and also for the non-payment of 124*l.* 18*s.*, being the amount of costs incurred by the proceedings taken against him in the Arches Court of Canterbury; and that thus to imprison William Baines for refusing to contribute towards the expenses attending the worship of the Established Church, from which he conscientiously dissents, is to punish him for acting in accordance with what he regards as a religious duty, and is, a violation of the principles of religious freedom."

Lord *J. Russell* said, that the hon. Gentleman who brought forward this motion having given notice of a motion, that the petition of Mr. Baines should be taken into consideration, he was not at all aware, till he heard it read from the Chair, what was the nature of the motion which the hon. Gentleman had proposed to conclude with; and he must say that, considering no notice had been given of its intended character, the resolution now proposed, appeared very wide and sweeping. The question brought before the House was stated to be the particular grievance of Mr Baines; and the imprisonment of that individual was, no doubt, the ground-work of the resolution; yet the whole case of the grievance was a case bearing upon the general law, and the enforcement of that law, and the resolution now read, did not so much go to release Mr. Baines, as to denounce the existing law, and to declare, that the system under which his grievance arose, ought no longer to remain. He was using this argument, not as saying, that it might not be a proper resolution enough to be brought forward for the consideration of the House, but as expressing his opinion, that when such a resolution was brought forward, it ought to be brought forward with a great deal more notice than the hon. Gentleman had thought proper to give on this occasion. With reference to the particular circumstances which induced the parties in question—he knew not who they were—to take these proceedings against Mr. Baines, which ended in his imprisonment, he (Lord John Russell) did not think it necessary, not being fully acquainted with the particulars, to give any opinion on the subject, whether they were justified in pursuing that course, or whether there was anything at all excessive in their method of proceeding. But with reference to the question as it came broadly before them, whether or not a party was to be sanctioned in his violation of the law of the land respecting the payment of Church-rates, he could have no hesitation in answering that question directly in the negative. He could conceive very well, that this might be an impost which it was not very advisable to maintain, if it were shown that a better kind of rate, or an improved mode of providing for the fabric of the Church, could be adopted; presuming, as the hon. Member stated, that the present law created schisms and conflicts in communities, and set neighbour against neighbour, it might be a question whether it were not desirable to alter such a law; but this was a totally different question from that, whether Mr. Baines, or any other individual, was to set up a standard of his own as to what should, and what should not, be the law for him, and to declare that what he thought oppressive to the conscience was no longer to be observed. Mr. Baines stated the case clearly enough in his petition: he himself admitted that the inhabitants of his parish made a church-rate of six-pence in the pound; that was the rate laid by the parish; there was no question as to the power of making the rate. Mr. Baines not paying the rate, was cited to appear before the Borough magistrate, and he disputed the validity of the rate, a proceeding which necessarily implied that he was prepared to show, in the proper court, that it was not legal. Then, according to the law of this country, he did not say whether it were a politic law—the place for deciding this dispute was the Arches Court of Canterbury. The petitioner stated that he had received a citation from the Ecclesiastical Court, to which he had given no attention. Now, was that a justifiable course? Was the Lords or Commons to say, so long as there was a court appointed to try such causes, that when that court, proceeding in the regular course, cites a party who questions the validity of the rate to appear and justify his conduct, the party should himself be permitted to decide that the law was not one to be obeyed, and that he would pay no attention to the citation? Was the House, in such a case, to come forward and pass a resolution in favour of such a person, on the ground that the law was oppressive? Could they keep up any law, if such a principle were sanctioned? What would be the rule of obedience? Mr. Baines thought the existence of rates for the support of an established church oppressive, and the decision of a court appointed by the law of the land to decide in such cases, was a violation of the rights of conscience. Another man might think the same thing of some other law. Another man might think it a violation of the rights of conscience, to be asked to contribute to the expenses of the army or the navy, or any tax to be used for the purposes of war— or in a way to produce bloodshed. Another might deny the right to imprison, or take away life, according to the provision of the criminal law, and refuse to pay taxes for its enforcement. In this way the payment of any tax required for the support of the law, might be refused, on the ground that the particular individual felt it a violation of conscience to contribute to the expense of what he thought unlawful, unjust, or un-Christian. Where was the distinction to be drawn? How could they say that Mr. William Baines should have the right of deciding for himself, and of laying down what ought to be law, and that this or that law ought not to be obeyed, and that every other indivinual in the United Kingdom should not have the same right, and should not be equally entitled to come to the House for a resolution in his favour? It was not, therefore, because the question referred to the support of Church-rates, but because it concerned the support of the general laws of the kingdom, that he thought it impossible for the House to give its sanction to the resolution which his hon. Friend proposed. With respect to the general question of Church-rates, his hon. Friend had not entered much into it, and he did not think it necessary for him to go into it. He certainly regretted that there was not a mode of providing for the repair of churches which was less objectionable. But it was a very different thing to establish, either by a resolution, or by any bil brought forward in that House, the principle, or countenance the opinion, though held by several among the dissenters, that the payment of Church-rates ought to be refused, and the law of the land disobeyed, on the ground of conscience. He thought that opinion, though held by a great many respectable men, was not only incompatible with the existence of an established church, but with the maintenance of the general law of the land; neither was it an opinion countenanced by the early Christians. They paid tribute to the Roman Emperors, who, as they well knew, in many instances, devoted the money to the erection of temples to the heathen gods. The early Christians knew well that the most superstitious and abominable rights were often performed in those temples, and yet they were told by the highest authority that it was their duty to pay tribute. He could not understand how it could be a violation of the rights of conscience to be obliged to pay a sum of money for the support of a worship with which the individual did not agree. He wished to respect all conscientious feeling; but it was absurd to lay down a principle such as that a man would have only to pronounce the word "conscience" to be freed from the payment of legal demands. The petitioner spoke of its being unjust to confine him in a gaol for being guilty of no crime against society, but for merely carrying out the principles of a dissenter from the Established Church, and choosing to obey God rather than man. He (Lord J. Russell) had no doubt that such was the feeling of the petitioner, but he could not say that he exonerated him from being guilty of a crime against society. He thought that, in setting an example of disobedience to the established laws of the country, Mr. Baines was acting in a way to shake the authority of the law and the confidence and respect which ought to belong to it. With respect to adopting another mode of enforcing church-rates, that was a different question. There was one alteration of the law, which nothing but what appeared to him indifference on the part of dissenters with respect to the change had prevented from taking place—he meant an alteration which would transfer the enforcement of the law, such as it was, from the ecclesiastical to the civil courts. He (Lord J. Russell) could not see the propriety or advantage of such questions going before an ecclesiastical court, while, on the other hand, there was very great disadvantage attending it, and parties thought it a greater hardship to be summoned to appear before the ecclesiastical courts than before others. If church-rates were levied by a court of quarter sessions, with appeal to the superior courts of common law, he thought they would form as fit a tribunal with regard to the payment of church-rates or tithes as any other. He trusted the House would not sanction the principle contained in this resolution. If it was thought better to abolish church-rates as altogether onerous and oppressive, let it be done upon the general grounds; but let them not agree to a resolution, which, in sanctioning the refusal of church-rates, went to justify disobeying any law whatever.

Mr. *Hume* said, the noble Lord had stated, with great propriety, that the mode in which church-rates were levied and resisted, tended to shake confidence in the law. There was no doubt that such was the case, and it was one of the arguments for abolishing them with every one who had attended to the question. It did shake the authority of the laws, and why? Because everything unjust and partial was liable to be shaken, and when a law was unjust and unequal, it ought to be shaken off. The noble Lord complained that individuals took the law into their own hands, and refused to sanction such proceedings; but it was the mode in which oppression had been shaken off in all ages. The noble Lord himself had concurred in that mode of proceeding. He was sorry to hear the noble Lord refer to the conduct of the Romans against the early Christians as a sanction for the collection of church-rates. He thought the noble Lord's own eloquent speeches had for ever silenced that argument when brought forward on the other side. He was sorry to find the noble Lord take up the exploded arguments of his adversaries. The noble Lord seemed to forget that the individual complained of the rate being levied at all. He prayed the House totally to abolish church-rates, or to exempt dissenters from the payment of them, and put an end to ecclesiastical jurisdiction, which, though sanctioned by law, was repudiated by religion. That was the ground on which they came before the House. The maintenance of the present law was inconsistent with declarations that had been made on the other side of the House. In alluding to the case of David Salomon, the hon. Baronet the Member for the University of Oxford, had lately said that no man could be an honest man who contributed a portion of his substance to the maintenance of a temple devoted to worship of which he did not approve. What was the present law but a tyrannical attempt to make men guilty of this dishonesty? The hon. Baronet was consistent in everything that tended to the maintenance of the privileges of the Church; why was he not so far consistent as to come forward and exempt the dissenters from being called on to do what he said no honest man could do? He would leave the hon. Baronet to explain the agreement between his late declaration and his maintenance of church-rates. He had heard with great regret the noble Lord doubt how this could be a question of conscience with Mr. Baines. How could Mr. Baines give a stronger proof of his sincerity than by undergoing punishment? He had given the best possible proof of his character by his manner of acting. He preferred submitting to severe privation, rather than pay a tax for a purpose of which he could not conscientiously approve. But he begged to call the attention of the noble Lord to what the noble Lord himself had done in 1833. When Lord Althorp brought forward a motion for abolishing church-rates altogether, did not the noble Lord support the motion? Did not the whole Cabinet support it, and thereby declare that the tax ought to be abolished? Did they not make a proposition that church-rates should be abolished, and dissenters no longer pay a farthing of them? And did not the House adopt it by a large majority? He believed that 268 Members voted for that motion. The noble Lord calculated that, after certain deductions, 265,000*l.* would be necessary to maintain the fabric of the Church; and he proposed that that amount should be paid out of the consolidated fund. What was the meaning of that motion, if it was not condemnatory of the payment by dissenters of rates for the support of places of worship belonging to the Church? But the Government were not pledged by that alone. What had they done in Ireland? When it was complained that 76,000*l.* were paid as church cess by Catholics for maintaining the fabric of the Protestant Church in Ireland, did not the noble Lord the Member for North Lancashire bring forward and carry a measure for the abolition of that tax? Was it not fair and just, after such a measure, to expect that no time would be lost in doing a similar act of justice to the dissenters of England? His hon. Friend had referred to the anxiety of feeling at Leicester upon the point. He (Mr. Hume), too, could vouch for it. He had attended at Leicester one of the largest and most important public meetings at which he had ever been present, and he never heard a more strong, decisive, and unanimous condemnation of the injustice of church-rates than that meeting expressed. He thought that, as the law stood, an individual suffering from it had no other way of seeking a remedy for the grievance than that which Mr. Baines had taken. His hon. Friend had made out a strong case, and he trusted the House would support the resolution, which proposed to put an end to the injustice. On these grounds he begged to second the motion.

Sir *R. Inglis* said, the House could not have expected to be called upon so soon to discuss this question after the recent assurance of the hon. Mover, that he would postpone the question of Church-rates until after Easter. He did not mean to say anything personally discourteous to that hon. Member, but he must remark that, in direct violation of the understanding of the House, the whole subject of Church-rates was now brought forward without the House having the opportunity of discussing any particular measure relating to it. With regard to the charge of inconsistency made against him, he was almost ashamed to repeat what he had so often said, that the distinction which he made was this, that, while he would do nothing voluntarily to contribute to education or worship alien from that which he believed to be the word and the doctrine of the Gospel, he would submit to the law of the land, and so far as in him lay he would make his fellow-subjects submit to it, where it bound not themselves, but their property, to the support of a school or form of worship to which they might be as conscientiously opposed as he was to this proposition. The question was not what were the personal opinions of Mr. W. Baines; the question was, whether he occupied a tenement in the parish of St. Martin's in the borough of Leicester, subject to a Church-rate, and which, whether it were occupied by Mr. David Salomons, Mr. Joseph Hume, Sir Robert Inglis, or Mr. William Baines, would be subject to it. The question had not the least reference to the present opinions of the individual, but to the value of the tenement which he occupied. If that tenement remained unoccupied it paid nothing; but if occupied, whether by Jew, Turk, heretic, or infidel, it paid the same sum. Mr. Baines occupied this tenement, knowing that it was liable to this imposition, and knowing that on this account he paid so much less rent for it, or if he bought it, that he paid a gross sum so much the less than if it had not been subject to this imposition. The resolution on the Table of the House was, that Mr. Baines had been sued for a sum of 2*l.* 5*s.* for Church-rates. Would the hon. Member deny that this tenement was subject to pay this sum long before Mr. Baines occupied it, perhaps long before Mr. Baines was born, and would he deny that it would pay the same sum if he himself should occupy it to-morrow? Over and over again he had said, that this was not a question of creed but of property. It was the property which paid and not the creed; and if they released the property from this imposition, they would give a premium to all persons to dissent from the Established Church. The only ground of nationality in the Church was, that the nation paid in this way for its support. The nation paid nothing in respect of tithes. Tithes were given antecedently to the time when any hon. Member could trace the possession of his property in the hands of those from whom he derived it. The only act by which the nation consecrated its substance in any degree, small as that degree was, to the support of the Church, was that by which the land was made liable to repair and maintain the fabric of the Established Church. The hon. Member (Dr. Nichol) appeared to dissent from his opinion; he (Sir R. Ingls) would hardly presume to contradict any statement made so authoritatively, but all his reading led him to the conclusion, that, from the earliest Saxon times, Church scot was distinctly binding upon all property in England to maintain the fabric of the Church, was as clear as any fact connected with our history. The oldest landed proprietor in England did not inherit his broad acres, or his castellated mansion on any other tenure than this; and, in stating this, he was only stating what he was sure every lawyer in the House was prepared to maintain. The law might be a bad one; if so, alter it; but while it remained unaltered every acre of land and every tenement in England was held subject to this imposition, varying, it might be, according to the incidents and necessities of each parish, but still subject to such; and, as he again repeated, having no more reference to the creed of the occupant than it had to the colour of his skin or the height of his stature. For these reasons he hoped, that the decision of the House would be on the present occasion, and hereafter on further discussions on this subject to reject the proposition which the hon. Member (Mr. Easthope) had advanced in defence, perhaps, of his friend and of the township with which he was connected, but still in defence of a proposition which was utterly untenable by him or by any other person.

Dr. *Nicholl* did not concur in the opinion of his hon. Friend, the Member for Oxford, that this was an impost laid on by any fixed or definite statute, but it was one authorised and enforced by the common law of the land. It was an obligation imposed from time immemorial, and in saying this, he was supported by the authority of the Exchequer Chamber, in the Braintree Church-rate case. That bench, composed of eight of the most learned judges who ever graced any seat of judgment—men, too, differing from each other in political opinions, had expressed a unanimous opinion on the subject. They said,

> "And we are all of opinion, that the obligation by which the parishioners, that is, the actual residents within, or the occupiers of lands or tenements in every parish, are bound to repair the body of the parish church whenever necessary; and to provide all things essential to the performance of Divine Service therein, is an obligation imposed on them by the common law of the land. . . .
>
> "Such then, being the law of the land, it follows, as a necessary consequence, that the repair of the fabric of the church is a duty which the parishioners are compellable to perform—not a mere voluntary act which they may perform or decline at their own discretion; that the law is imperative upon them absolutely, that they do repair the church, not binding on them in a qualified limited manner only, that they may repair or not, as they think fit; and that where it so happens that the fabric of the church stands in need of repair, the only question upon which the parishioners, when convened together to make a rate, can by law deliberate and determine, is not whether they will repair the church or not (for upon that point they are concluded by the law), but how and in what manner the common law obligation so binding them, may be best and most effectually, and at the same time most conveniently, performed and carried into effect. The parishioners have no more power to throw off the burden of the repair of the church, than that of the repair of bridges and highways, the compelling of the performance of the latter obligation belonging exclusively to the temporal courts, whilst that of the former has been exercised usually, though perhaps not necessarily exclusively, by the spiritual courts from time immemorial."

He hoped the hon. Member for Leicester would not dispute the law of the Exchequer Chamber, however he might dissent from that of his hon. Friend. On the 28th August, Mr. Baines was summoned, but did not appear, and a Mr. Davies appeared for him. He was in the same situation as Thorogood was, and the magistrates had no power to proceed further, because he objected to the rate, and stated that he would object to its validity in the ecclesiastical court. The House was aware, that by the 53d Geo. 3., in reference to the summary jurisdiction of magistrates, it was enacted, that if the defendant attended and objected to the rate, and satisfied the bench that he intended to contest it in the ecclesiastical court, the summary jurisdiction of the magistrates, as against the goods of the party, was ousted, and the jurisdiction of the ecclesiastical court established. Let Mr. Baines then reconcile it to his own conscience, if he could, to prove that fair honest, or plain dealing—let him reconcile it, if he could, to his own good sense, duty, or truth, to go before the magistrates and say, "I object to this rate, and intend to contest its validity in the ecclesiastical court," when at that very moment he had determined never to appear in that court, and never there to contest the validity of the rate. He was sure that the hon. Member for Leicester himself would not stand up and attempt to justify such a course. He was sure that that hon. Gentleman was a man of too high honour and principle to say that a man could thus, by a sort of false pretence, throw off the jurisdiction which properly attached to him. He could entertain a high respect for a man who was mistaken, or who resisted a law which he believed to be unjust; but he could have no sympathy with a man who did not boldly come forward, but who set forth an intention to dispute the validity of a rate in the ecclesiastical court, which at that time, he now told them, he never entertained, and that he could not even reconcile it to his conscience ever to go into that court. This gentleman was then cited by letters of request into the Court of Arches. He refused to appear. Written notices, extrajudicial notices, and letters were then sent him, that if he did not appear, he would be pronounced in contempt, and that in default proceedings would go on to trial. But after this he would not appear—he took no notice of it—the judge still held his hand—he still delayed. He then directed a decree to stay proceedings, and delivered a formal notice. The judge gave him every opportunity to appear; he continued to delay three or four courts. At last the libel was admitted—witnesses were examined—the rate for the repair of the church made by the parish in vestry assembled, was proved—all the circumstances of the case were established that were necessary to constitute the validity of the rate, and at length he was condemned in the amount of the rate and costs. Again the judge held his hand for three or four court days—notice was given to him, that if he did not appear and pay the rate and costs, he would be pronounced in contempt. This went on from the middle of February to the end of the month of May, he believed, though he was not certain, and at last he was pronounced in contempt. His contempt was signified into the Court of Chancery. A writ was issued by that court. Mr. Baines went out of the way, and was not to be found; but on the last day of term, he applied to the Court of Queen's Bench for a rule to arrest proceedings. That hung up the case until after a long vacation; and then the question was argued, when the judges decided that the proceedings had been regular, and refused a prohibition. He was then taken under a writ *de contumace capiendo*. He applied for a writ of *habeas corpus*, under which he was released. Again, the Court of Queen's Bench, after an argument of the case, refused the application. He then went to the Court of Chancery, and applied there for a writ of *habeas corpus*. Again, it was argued and determined before the Lord Chancellor; and, again, the Lord Chancellor decided that the whole of the proceedings had been regular. Now, he asked, if there could be any such gross personal wrong committed on this individual as had been stated?—Here was a sum of money which, by a law binding on all the inhabitants of this country, he was bound to pay. He had a remedy to throw it off; but he did not do so, and he chose to say, voluntarily, that he would appear in the ecclesiastical court. He refused there to appear, and then, necessarily, as he had prolonged the remedy against his property, the remedy attached against his person. Perhaps it was a convenient thing to be made a martyr of—perhaps the hon. Gentleman, the Member for Leicester, had no objection to become a martyr; but he assured him that he could not, for Lord Brougham's bill gave the power of proceeding against his goods, so that he could not enjoy the privilege. He thought that he had not "kept the word of promise to the ear and broke it to the hope," as the hon. Member (Mr. Easthope), did when he said he should confine himself to the case of Mr. Baines, instead of which he had spoken upon the general question of Church-rates; and he also thought he had shown that Mr. Baines was not entitled to the sympathy of this House; and he believed that, under the circumstances, the House would, without hesitation, negative the motion of the hon. Member.

Sir *R. Inglis* explained. His hon.

Friend (Dr. Nicholl) had misunderstood him. He had not referred to the statute law at all, but had said that the right of the Church of England was an antecedent right. But although he did not say it was created, he believed the right was confirmed by statute.

Mr. *Hawes* said, that undoubtedly, it was exceedingly difficult to offer any observations upon the question now before the House, without taking the course, which the hon. Member for Leicester had been reminded of having taken, and mixing it up with the general question of Church-rates. It was extremely difficult; and while he wished on the one hand to keep closely to the case of Mr. Baines, on the other hand, he was aware that he might not, in the course of his observations, confine himself strictly to that question, apart from the subject of Church-rates. In noticing the remarks of the hon. and learned Gentleman opposite (Dr. Nicholl) he would say that, if he wished any arguments to furnish him with grounds to support the allegation of the petition, that the petitioner had been treated with harshness and injustice, he would wish no other grounds than the speech of the hon. and learned Gentleman—because he considered that the party here suffering, however mistaken he might be,—and without raising the question of conscientious scruples, and how far these scruples were to be respected by the State, raised by the noble Lord,—he must say, when he saw a conscientious man in gaol for doing that which he believed to be his duty, the very steps taken in proceeding against him were sufficient to convince him that the petitioner had been treated with harshness. The hon. and learned Gentleman had said that, if his bill of last year had been passed into a law, Mr. Baines would not be in prison; but, by that measure, had it been law, his goods would have been seized. Now a seizure of his goods would have been as much a violence to him, as a conscientious man, as the incarceration of his person. Undoubtedly, the hon. and learned Gentleman's measure might have mitigated the law and lessened the steps taken for the vindication of the supremacy of the law, and certainly, whatever he did in that direction, he (Mr. Hawes) should be proud and happy to support him. But when he referred to his efforts, he would reply that the ecclesiastical commission, which sat ten years ago, recommended far better measures for that purpose than the bill which he (Dr. Nicholl) had recommended. He had no doubt, that if the hon. and learned Gentleman were not a Member of that commission, he had read their report. That report recommended much more than the hon. and learned Gentleman did; and though he had been in office since that time, and had sat a considerable time in the House of Commons, save and except his one effort of last Session, he had done nothing to relieve men who suffered from a conscientious objection to pay Church-rates. [Dr. *Nicholl:* Look at the bill of 1835.] It was of no use to refer him to that bill. The hon. and learned Gentleman should point out an Act of Parliament. He must say, whether it was to one Government or to another—and he thought the report dated further back than 1830, he believed 1829,—it was a reproach to them and to this House, that from that time to this, no steps had been taken to carry any of the recommendations of that report into effect. The noble Lord (Lord ohn Russell) had said, that any scruples of conscience which an individual entertained were not to be considered, because it might happen that he contravened some law of the State, and any individual might take it into his head to have this or that scruple of conscience; this was not to be considered, because the general interest of the State demanded that the law should be supreme. To that, as a general maxim, he (Mr. Hawes) perfectly agreed; but he drew a distinction between the laws which were necessary for the security of the State, for the protection of property, and for the preservation of order, and those laws which were enacted for the maintenance of a religion. He did not connect the security or stability of the State with the maintenance, by national taxation, of a sectarian church. He did not connect the two—he did not see their necessary connexion—he had never seen their necessary connexion—and when he had referred to the laws relating to the repairs of bridges and highways, or any other common object, the answer had been, that the people generally, without distinction of sect, derived benefit from these objects on which a portion of the national fund was expended. But that was not the case with respect to the Church. He did not wish to say anything that was calculated to bring that Church into disrepute, or to injure it, but he must frankly state to the House, that he never connected its stability with the taxation of those who conscientiously differed from its creed; and he must, therefore, take leave to say that, with regard to civil and religious institutions, there was a broad and clear line to be drawn; and as to the reference which the noble Lord (Lord J. Russell) had made to other and higher authority, he met that by saying, that that "tribute," so far as we had any information, was not exclusively applied to the maintenance of the Pagan religion, but generally to the purposes of the state of Rome. Therefore, so far as that was the case, he took leave, with the greatest deference to the noble Lord, to say that his reference did not carry with it a perfect and entire conviction. The hon. and learned Member (Dr. Nicholl) had made a distinction between what he called mere statutary law and mere common law. He owned that he preferred, on all occasions, statutary law to common law. He was quite aware that he was an ignorant and unlearned man; but he admitted that he had a kind of English preference for statute law in contradistinction to common law, which, as far as he knew anything about it, was what any judge might, at any time, declare to be his interpretation of former usages and customs. As compared with that sort of law then, he preferred statute law. His opinion was, that the observation of the hon. and learned Member rather indicated the prejudices which belonged to his profession than the matured conviction of the judgment. The hon. and learned Gentleman would bind all parties to the sustentation of the Church; but there was this omission in that part of his argument—he never told the House how the common law was to be carried into effect. And that was precisely the whole difficulty of the case. According to the practice, a majority in any parish decided the question that was touched upon with the greatest possible discretion but extreme delicacy. How, if it be the common law of the land, was it to be enforced by reference to the ecclesiastical courts? How were these courts to enforce what were deemed to be the provisions of the common law? Why, they had no means of enforcing them. Mr. Baines was not now in prison for violating the common law. He was in gaol for one of two things—either for contempt, or for a common debt and costs. In such cases, the ecclesiastical court treated men as debtors, created enormous costs, and then placed them in gaol for not paying the debt and these costs. He contended that that was a gross and crying abuse—one that called for a remedy—and one that this House had on more than one occasion expressed a decided opinion upon, and yet it had never met the least attention from the noble Lord, the leader of this House. The right hon. Baronet, the Member for the University of Oxford (Sir R. Inglis), had, in his opinion, taken a most extraordinary and baneful argument. He said, that Church-rates were a necessary incident to property. Now, he would say, in reply to that, that if they were a necessary incident to property, it was strange that it should depend on the decision of the majority of a parish whether the property in that parish should bear them or not. How could this argument be applied to Church-rates? For property had always endured, and it followed, from a logical deduction, that Church-rates must always endure; whereas, the fact was that the majority of a parish could refuse them, and the great majority of the population of the three kingdoms believed them to be founded in injustice. There must be a fallacy then in the argument which necessarily connected Church-rates with property; whilst there was much truth in this, that a Church-rate was a kind of contribution in aid of tithe for the support of the Church, and dependent entirely on the will of the majority of a parish—which might be paid or withheld; and if withheld there was no means of enforcing its payment, either by the statute or the common law. [An *hon. Member:* "No, no."] The hon. and learned Gentleman must feel, of course, that an argument of this sort coming from him (Mr. Hawes) could have no weight whatever as against the arguments which the hon. and learned Member's knowledge of the law had enabled him to advance; but all he could say was, that, from the best attention he had been able to give to the subject, this was the view he entertained, and which he knew was entertained by a large majority of people out of doors; and, if he were not very much mistaken, it was the opinion entertained, and that in print, by an hon. and learned Gentleman who now occupied a high legal and judicial station.

Were church-rates to be allowed to continue as at present? Was the law to be made more stringent and more bitter, as the hon. and learned Gentleman said? The law as it stood was a disgrace and scandal to the country. The ecclesiastical commission had recommended making the law more stringent. He knew why that recommendation was not adopted. The remedy was so severe that a Government calling itself Liberal dared not adopt it. Did they forget that church-rates had been abolished in Ireland? Did they forget that they did not exist in Scotland? Why were not Scotland and Ireland to pay for what was called a national Church; were we one or three nations? Was the peace of the Church—was the peace of every parish, to be ruined in favour of the wealthiest establishment known to exist on the face of the earth? If this state of things continued, you might do all you could by the learning, piety, and activity of your clergy—you might do all you could by a powerful party in this House, but you would still have the seeds of discord and unhappiness which would one day do much injury to the Church. He therefore believed, that the interests of the Church were bound up with this question. He did not believe, that Dissenters were so bad as to entertain those feelings hostile to the Church which had been ascribed to them. He did not believe, that they were jealous of the property of the Church. They knew of a principle which was a stronger foundation for their faith than that on which the Church relied, and never until the Church of England adopted the principle on which other churches had risen to greatness, would she become more powerful. He did not wish to injure the Church, as a Church, but to remove every just ground of complaint.

Sir *Robert Peel* hoped, that the House would not allow itself to be diverted, by any observations that had been made, into the consideration of any matter extraneous to that which was properly the subject before it. The question before them was not whether there ought to be an alteration in church-rates; it was not whether it was to substitute any maintenance for the Church in lieu of that which existed; it was not whether the ecclesiastical courts' jurisdiction in these matters should be abolished; it was not whether the amount of fees exacted in these cases were excessive; but the single question before them was this: whether the House of Commons would lend its sanction to this proposition —that there were to be certain exceptions allowed to a due obedience to the law of the land, provided a man alleged a conscientious scruple — whether that would entitle him to violate the law, for that was the proposal of the hon. Gentleman, when he called upon them to sanction by their acquiescence this resolution:—"That to imprison William Baines for refusing to contribute towards the expenses attending the worship of the Established Church, from which he conscientiously dissents, is to punish him for acting in accordance with what he regards as a religious duty, and is a violation of the principles of religious freedom." Thus is was that the House of Commons, one branch of the Legislature, which did not apply itself to an alteration in the law, was called upon to sanction disobedience to the law by William Baines. Where was there to be a limit to this principle? Who was to decide what was a conscientious scruple? The hon. Member for Kilkenny had given them his test, for he had found how difficult it was to dive into the human heart, to penetrate all its secret workings, and trace out all its motives, and thus to determine whether or not a man felt a conscientious scruple, and thereupon the hon. Member supplied them with a test; for he said, that provided a man went to prison and remained there for four months, they might believe that he had a conscientious scruple. But how would they limit that test? Was it to be referred only to matters of religion, or was it to go further? Taxes were necessary to be provided for carrying on war. Some men objected to war, and might object to pay taxes to be applied to that object, and a man might prefer going to prison, rather than pay such taxes. According to the hon. Gentleman's test, by his doing so, he would give a decided proof of the sincerity of his opinion, and therefore would it be contended, that he ought to be relieved from the payment of taxes? But then the hon. Gentleman said, he could draw another distinction. He said, that conscientious scruples may apply to matters of religion, and the hon. Gentleman said, that in Scotland property was exempted from church-rates. He apprehended that was not the case. He apprehended, that if the hon. Gentleman, being a member of the Episcopalian Church, purchased a large estate in Scotland, he would find himself called upon to contribute to the Presbyterian form of worship. Having then purchased the property, and made a handsome deduction from the purchase, as he had no doubt the hon. Member would, on account of the payment of church-rates, and if he then said, that he had a conscientious scruple to the payment of them, why, in that case, they might be called upon to affirm, that the imprisonment of Benjamin Hawes for refusing to contribute towards the expenses attaching to the worship of the Presbyterian Church, from which he conscientiously dissented, was to punish him for acting in accordance with what he regarded as a religious duty, and was a gross violation of the principle of religious freedom. Why, he asked, was not the resolution to apply as well to Episcopalians who alleged a conscientious scruple, as well as to others? But supposing that Mr. Baines made an objection to tithes. The hon. Gentleman said, religious scruples ought to be protected, and that he would draw a clear distinction between that, which being contributed for the State, was for the benefit of all, and that which was contributed for religion, and, therefore, for the benefit of a few. The hon. Gentleman made an exception on account of religion. Let them suppose, then, that Mr. Baines was now a prisoner because he had a religious objection to the payment of tithes—what, then, would be said by them. Why not, then, declare that it was a violation of religious freedom to insist upon his payment of tithes? for if the hon. Gentleman were right in his principle as applied to Church-rates, why not also extend it to tithes? That was a matter of religion. Church-rates were ancillary to tithes, and it was difficult to distinguish where it was that the conscientious scruple was to be respected, and where disregarded. But were they quite sure that they would limit their conscientious scruples to religious matters merely? He turned to some petitions that had been presented on the subject of the poor-law, and he found in them conscientious scruples put forward very prominently; and he wished to know, if these were to be made the palliation for a disobedience to the law? He found, for instance, in a petition that had been presented a few days before, that it was stated that under the New Poor-law a new system of persecution had been commenced against the Dissenters—that they were by it deprived of their religious rites, and that, as their ancestors had been imprisoned in gaols, they, their descendants, were now imprisoned in the workhouse. Another said, that it was against religion—"adverse to justice, humanity, and the principles of Christianity." There were, too, a great number of persons who objected to patronage in Scotland, and designated it "a lording over God's territory." If the law were complained of, the law ought to be altered, and no person belonging to the Established Church ought to set himself in violation of the law; for that, he thought, was the sentiment expressed by one hon. Gentleman. Suppose those parties had conscientious scruples. How was it that the hon. Member for Kilkenny who was ready to concur in this resolution giving perfect impunity on account of religious scruples, was so intolerant last Session, when certain parties in the Church of Scotland claimed the right of violating the law on the ground of religious scruples? Suppose those parties were ready to go to prison, and thus supply that test of sincerity which the hon. Member for Kilkenny said was clear and unerring, would that hon. Member concur in supporting a resolution that those persons who thus supplied him with a proof of their sincerity were justified on the ground of their religious scruples? He apprehended the true and only safe principle to be, that while the law remained in force, it must be obeyed. Alter the law if they pleased: but while it remained in force there would be a dissolution of the bonds of society if, upon the allegation of religious scruples, individuals should presume to violate it. It would, again, be a violation in all respects of authority if the House of Commons—one branch of the Legislature—were to sanction the principle that a man who urged conscientious scruples as a reason for violating the law was justified in such violation. But suppose the House of Commons to be willing to make an exception, what would be the result? Let them look at it with regard to the New Poor-law. Were there not many men who felt conscientious scruples with respect to that law? Were there not men who thought, or at least alleged, that it was a violation of the law of God to compel persons to go into the workhouse as a condition of relief? How could they presume to determine whether the allegation was true, whether the scruples were conscientious, and, after passing a resolution, that, in a particular case, they would refrain from punishing disobedience to the law because the violator acted in accordance with his sense of religious duty, how could they invoke the power of the law in other cases where conscientious scruples were alleged? The resolution proposed was perfectly indefinite in its application. It ran thus:—

> "That thus to imprison William Baines for refusing to contribute towards the expenses attending the worship of the Established Church, from which he conscientiously dissents, is to punish him for acting in accordance with what he regards as a religious duty, and is a violation of the principles of religious freedom."

Mr. Baines did not ask the House to pass this resolution. He prayed the House to abolish Church-rates or to exempt Dissenters from the payment of them, and to put an end to the jurisdiction of the ecclesiastical courts. He only prayed for an alteration of the law. Let the House, then, attempt an alteration of the law if they thought fit, but to pass a resolution vindicating one individual for a violation of the law, and sanctioning that violation, was perfectly different from condemnation of the law and attempting to alter it. As to the question of the policy of Church-rates, he had, on a former occasion, given his opinion, and he would not enter upon a discussion of it now, as he considered it perfectly distinct from the present question. He entreated the House to bear in mind the danger of the principle they were called upon to establish. He asked them to do so for the sake of their own authority; for if the House of Commons assumed to itself the right to determine in what cases the law should be violated, and in what respected, their own authority would be questioned and condemned, and they would not be enabled to support their own decrees. The courts of law were bound to submit to the law, and not to the orders of the House of Commons; and if they passed this resolution, they would, in the first place, be setting a precedent pregnant with the most dangerous consequences; and, in the second place, they would prove the inefficacy of their own power; for when they had passed this resolution, it might indeed lead to an alteration of the law; but while the law remained, it must be obeyed, if they would secure the liberty of the subject.

Mr. *Elliott* begged, in giving his vote, to say, that he must not be understood to compromise himself upon the subject of Church-rates, while giving a vote in opposition to a motion made in favour of a person who had set himself against the law of the land.

Mr. *Easthope* said, that the country would be likely to imagine, from the manner in which Mr. Baines, and those who, like him, had resisted the payment of Church-rates, and suffered for that resistance, had been designated by the House, that those who supported the resolution were exerting themselves in behalf of a capricious individual who alleged that he had conscientious scruples, and, therefore, demanded to be excused from obedience to the law. Now, he asked was that a fair statement of the case? Mr. Baines acted in strict pursuance of the spirit of a resolution agreed to by that House, a resolution which the House had pronounced in a similar case, and which resolution asserted, in effect, that the punishment to which Mr. Baines was subjected was undue, unmerited, and improper. Mr. Baines had not violently, captiously, or riotously infringed the law; on the contrary, he had yielded obedience to the law. He was at that moment suffering one of the severest penalties of the law, and he came to that House to tell them that he was suffering such penalty, and to appeal to their justice and consideration, and to ask whether it was a proper penalty for that which, although the law pronounced to be an offence, he had a right to consider not opposed to the expressed sense of that House. He further told the House that he had acted under the impulse of conscience. He was not a capricious, captious, disobedient individual, but he was a conscientious—a really conscientious man. He had not resisted a claim as a mere question of money, but he questioned the principle on which the money was demanded, and so he (Mr. Easthope) ventured to tell that House, backed by the avowal of 30,000 persons, in one form or another—the majority of Mr. Baines's neighbours. Now, he (Mr. Easthope) would ask whether, in a British House of Commons, the conduct of Mr.

Baines ought to be described to the world as the act of a capricious man, under a fancied notion that he had scruples of conscience, and improperly asking, in consequence, to be exempted from obedience to the laws? Mr. Baines had told them, as he had a right to tell them, that the state of the law had subjected him to grievous oppression. He told them, as they had been told by all the large towns in the kingdom, that the state of the law was such that it could not be enforced. He should like to see it attempted to be enforced according to the interpretation put upon it by the hon. and learned Member for Cardiff. He felt himself placed in some difficulty by the pledge he had given not to go into the general question of the abolition of Church-rates; and here, in reference to what had been said by the hon. Member for the University of Oxford (Sir R. Inglis) he begged leave to state, that he had most faithfully adhered to his pledge. Whatever inconvenience it had caused him, he had adhered to the specific question of the case of Mr. Baines, and had carefully avoided entering into the general question. He did hope that the Dissenters, and all those who felt with the Dissenters, for they were not alone in their feeling respecting this impost, and of this fact he could adduce the town of Leicester as a strong proof—he did hope, notwithstanding what had been stated in that House, notwithstanding that they might subject themselves to the character of capricious individuals who sought to disobey and oppose the law, that entertaining as they did conscientious objections, to this impost, they would manifest those objections, that they would represent respectfully, obediently, but firmly and unflinchingly, the sorrow and suffering they experienced under the law as it stood, until that House yielded to the expression of that sorrow and suffering—suffering and wrongs which at present prevailed, to the oppression of conscience, the injury of society, and the danger of the Church itself.

Mr. *Halford* begged to vindicate the people of Leicester from the imputation of partaking of the spirit in which the opposition to Church-rates was carried on. He felt himself entitled on the part of the great proportion of the people of Leicester to repudiate the assertion.

Mr. *Easthope* said, that he had not spoken of the entire town of Leicester. He had stated that 30,000 of the inhabitants concurred in opinion with Mr. Baines, and he had evidence of the fact. Twenty thousand of the inhabitants had unanimously elected Mr. Baines a town-councillor since he had been thrown into prison. Seven thousand females had signed an address in his favour; and he had presented a petition, containing four thousand signatures, praying for his release; and he thought, under these circumstances, that he had not overstated the number of those who concurred with Mr. Baines in opinion.

The House divided:—Ayes 40; Noes 45:—Majority 5.

List of the AYES.

Barnard, E. G.
Berkeley, hon. H.
Brocklehurst, J.
Brotherton, J.
Dennistoun, J.
Duke, Sir J.
Duncombe, T.
Dundas, C. W. D.
Ellis, W.
Evans, G.
Fielden, J.
Greg, R. H.
Hector, C. J.
Hindley, C.
Johnson, G.
Lushington, C.
Marsland, H.
Martin, J.
Morris, D.
Muskett, G. A.
O'Connell, J.
Pease, J.
Pechell, Captain
Philips, M.
Salwey, Colonel
Scholefield, J.
Stansfield, W. R. C.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Tancred, H. W.
Thornley, T.
Turner, E.
Warburton, H.
Ward, H. G.
White, A.
Williams, W.
Wood, G. W.
Wood, B.
Yates, J. A.

TELLERS.

Easthope, W.
Hume, J.

List of the NOES.

Adam, Admiral
Alston, R.
Baldwin, C. B.
Bolling, W.
Broadley, H.
Bruges, W. H. L.
Burr, H.
Campbell, Sir, J.
Chetwynd, Major
Darby, G.
Drummond, H. H.
Estcourt, T.
Farnham, E. B.
Gisborne, T.
Gladstone, J. N.
Goulburn, rt. hon. H.
Grimsditch, T.
Halford, H.
Hope, hon. C.
Hope, G. W.
Howard, P. H.
Inglis, Sir R. H.
James, Sir W. C.
Jones, J.
Mahon, Lord Visct.
Maunsell, T. P.
Melgund, Viscount
Miles, W.
Miles, P. W. S.
Morgan, O.
Morpeth, Viscount
Nicholl, J.
Packe, C. W.
Peel, rt. hon. Sir R.
Pusey, P.
Rae, rt. hon. Sir W.
Rolleston, L.
Rose, rt. hon. Sir G.
Round, C. C.
Russell, Lord J.
Seymour, Lord
Teignmouth, Lord

Trotter, J.
Troubridge, Sir E. T.
Worsley, Lord

TELLERS.
Stanley, E. J.
Elliott, hon. J. E.

Resolution negatived.
Adjourned.

HOUSE OF LORDS,

Friday, March 19, 1841.

MINUTES.] Bills. Read a second time:—Mutiny; Marine Mutiny.

Petitions presented. By the Marquess of Normanby, from Hull, in favour of the Drainage of Buildings Bill.—By the Earl of Bandon, from Parishes in the county of Cork, against any Alteration in the Corn-laws.—By the Earl of Clare, from Carnarvon, and the Rural Deanery of Lleyn, against the Union of the Sees of Bangor, and St. Asaph.—By the Earl of Clarendon, from Wiveliscombe, for an Alteration in the Corn-laws; and from Dundee, for a Revision of the Import Duties.—By the Duke of Argyle, and Lord Strafford, from the Synod of Argyleshire, Glasgow, the Minister, and others of Dundee, Londonderry, and other places, for the total Abolition of Church Patronage in Scotland.

NEWFOUNDLAND—THE HOUSE OF ASSEMBLY.] The Earl of *Aberdeen* rose to present a petition to which he wished to call the attention of the noble Marquess lately at the head of the Colonial Department. It was on a subject he had brought before the House on more than one occasion; he alluded to the present situation of the colony of Newfoundland, which had been described in a petition presented by him as being the most distracted and unfortunate colony of any under the dominion of this country, but, bad as it was then, it had now become much worse. He was convinced that the only hope there was of any improvement in the state of that colony must be obtained by means of Parliamentary inquiry. The inquiries promised and made by official persons were wholly useless—the evils were of such magnitude that they could only be redressed by an inquiry by that or the other House of Parliament. The great evil consisted in the abuse of the constitution granted to the colony in 1831-32. The House of Assembly was constituted in such a manner that it was wholly impossible they could discharge any legislative duties with any beneficial result to the colony. Their Lordships might judge of what sort of characters it was composed, when it was a fact that one of the members of the assembly (consisting of fifteen in the whole) was a menial servant, receiving wages at 10*l.* a-year. Probably the noble Marquess might in the summer months have been in the habit of visiting his (the Earl of Aberdeen's) part of the country; he might have been in Scotland engaged in the pleasant sport of shooting on the hills; if so, there was another member of the assembly who stood in that position of life that he would have gladly carried the noble Marquess's bag and baggage. It was really a burlesque on legislation; and yet such were the persons who had the control of all the funds of the colony. What had been the result? Why, that the expenses and burdens of the colony had been increased to a great degree, and the governor had found it impossible to carry the law into effect. On many occasions, scenes of the utmost violence prevailed, which were to be traced chiefly to religious feelings. There had been some partial elections there, at which the greatest possible outrages were committed. He saw in the *Gazette* which he held in his hand, an answer of the governor of the colony to an address from the House of Assembly. He presumed, in consequence of the outrages committed at the late elections, the governor had stigmatised them in some proclamations, and that the House of Assembly had required him to lay before them the information upon which the proceedings were so described. The answer of the Governor was this:—

> "The scandalous events which occurred at two partial elections during the recess, the ferocious conduct of the mob at Combermere, by which the election was rendered abortive, and the necessity of the interference of the military on those occasions, are matters of general notoriety. I consider the documents laid before the House are sufficiently demonstrative of these evils, and, under existing circumstances, I must decline compliance with this address, believing that no good could possibly accrue to the community by a publication of all the representations I have received on the subject."

That was the year the general election ought to have taken place, but the governor went on to say:—

> "So convinced am I of the absolute necessity of an amendment of the election law, that I avail myself of this opportunity to state, that should unhappily no legislative enactment be made during this Session to secure the just exercise of the franchise and the public tranquillity at future elections, I will not undertake the responsibility of issuing proclamations or writs for the election of a new House of Assembly, or make myself responsible for the serious consequences, the confusion and bloodshed so likely to ensue thereupon under the present system; but referring the whole affair to the Supreme Government, I shall, as in duty bound, follow such instructions as I may receive."

This was dated Government House, Feb. 12, 1841. So that, pending the present state of the colony, the governor actually refused to summon a new Parliament according to law, which their Lordships knew he was obliged to do according to the constitution in the present year. He thought, from what he had stated to their Lordships, both now and on a former occasion, as to the wretched condition in which this colony was placed, it was high time there should be some effectual measure for remedying the evils that existed. The Earl had some other petitions of a similar description to present, which attributed all the evils that disturbed and affected the colony to the conduct of the House of Assembly and their immediate servants. The petitioners prayed for some radical change in the constitution, so as to give permanent security to the rights, and protection to the lives, of her Majesty's subjects in that colony.

The Marquess of *Normanby* said, if his noble Friend had referred to an earlier period of the Session, and had read the opening speech of the Governor, he would see that there was no necessity to have a Parliamentary committee of enquiry, for the Governor informed the House of Assembly in that speech of the view of some of their proceedings taken by Government at home, and pressed upon the Legislature of the colony the necessity of taking into consideration an amendment of the law of election, so as to afford protection to the voters, and prevent the recurrence of those outrages which had been so justly complained of. He would only add on this point that the colonial session had not yet terminated—at least he had not received any communication of the conclusion of the session; and although the House of Assembly had not shown a very ready spirit to take any steps in furtherance of the objects recommended to them by the governor, yet the Session being still in progress, it was not advisable for their Lordships to interfere until it was ascertained what might be done before its close. He was inclined to give rather a different interpretation to the expression used by the governor in his address to that put upon it by the noble Earl. The noble Earl conceived that the governor was, in his view, constrained by circumstances to take an extreme course, and altogether to decline issuing writs for a new election; but all that the governor meant to say was, that as it was not necessary that the writs should issue immediately, he would wait until he had received instructions from the Government at home, should he find that his wishes were not fulfilled by the present House of Assembly. When his noble Friend presented a petition on this subject on a former occasion, he was then at the head of the Colonial-office, and he referred to Governor Prescott on the matters contained in the petition; and though he was ready to admit the existence of many of the evils ascribed to the colony in that petition, yet he could not say, that the Governor had by his report corroborated the statement of the petitioners as to the extent of the evils, or as to the nature of the remedy to be applied. The remedy recommended by the petition went to the abrogation of the constitution altogether. Another representation had also been made to the Government, stating the finances of the colony to be in the most deplorable condition, the outrages to be excessive and unrestrained, and the resources of the colony altogether in a state of progressive decay. This matter had also been referred to the Governor, and his report thereon was in a great degree satisfactory, and showed that the statements of the petitioners were exceedingly exaggerated as regarded the alleged outrages —that the finances of the colony were by no means in the unsatisfactory state represented—indeed, in the speech with which he had this year opened the Session the Governor had referred with satisfaction to the state of the revenue. I am convinced that it is necessary, if the House of Assembly should not pursue the recommendation of the Governor, some measure must be taken by the Government at home to remedy the existing evils. He had not a very sanguine expectation that the House of Assembly would take any effectual steps in this Session, seeing that they had allowed so much of it to elapse without turning their attention to the subject; yet he hoped that his noble Friend would suspend further proceedings upon the petition now presented, and leave the matter for the time in the hands of the Government.

Petition laid on the Table.

POOR-LAW (IRELAND) — CLONMEL UNION.] On the motion of the Earl of *Glengall*, Mr. Nicholls, the Poor-law commissioner in Ireland, was called in and examined at their Lordships' bar. The examination was continued for a considerable period and at the close their Lordships adjourned.

HOUSE OF COMMONS,

Friday, March 19, 1841.

MINUTES.] Bills. Read a first time:—Salmon Fishery (Scotland).—Read a second time:— Drainage (Ireland); Titles Recovery.—Read a third time:—Lease and Release.

Petitions presented. By Mr. Ord, from Newcastle-upon-Tyne, against the County Courts Bill.—By Mr. Alderman Thompson, and Mr. Clay, from the Chemists and Druggists of Sunderland, and the Tower Hamlets, against the Medical Profession Bill.—By Sir W. Somerville, in favour of the Bill, from Medical Practitioners of Drogheda. —By Mr. W. Miles, and Mr. Estcourt, from places in Somersetshire, and Wisbeach, for certain Alterations in the Poor-law Amendment Bill.—By Mr. W. Duncombe, from Unions in the West Riding of Yorkshire, and by Mr. W. Attwood, from Greenwich, and Deptford, to the same effect.—By Mr. Kemble, from St. Olave, and other parishes in Southwark, in favour of Church Extension.

THE CENSUS.] Lord *Granville Somerset* wished to ask whether it were intended to take the census on the 1st July next, as had been announced, because as that was the week in which the quarter sessions were held, many persons would be reckoned away from their Houses?

Mr. *Fox Maule* was not prepared to answer the question of the noble Lord, but he believed that the Act of Parliament fixed the day.

CONSOLIDATED FUND—NAVY ESTIMATES.] The *Chancellor of the Exchequer* moved, that power be given to the committee to introduce into the Consolidated Fund Bill, a clause for appropriating a vote for the excess of the naval expenditure of the past year, which was agreed to.

The House having resolved itself into committee, a clause was accordingly inserted, appropriating 165,000*l.* for this purpose.

On the motion that the House resume.

Sir *George Clerk* wished to ask a question of the Chancellor of the Exchequer relative to this sum. It appeared by a paper that had been recently laid upon the Table of the House that the whole amount of the naval expenditure for the last year was 1,421,000*l.*, whilst the whole amount granted was 1,000,000*l.*; he would, therefore, ask the Chancellor of the Exchequer how he accounted for this discrepancy, and whether he would not take a vote in committee for the whole excess of 421,000*l.*, instead of the lesser sum of 165,000*l.*

The *Chancellor of the Exchequer* said, that it should be recollected that the estimates which had been laid upon the Table were from 1st of January to 1st of January, and not for the financial year.

Sir *George Clerk* urged that the account laid upon the Table of the House showed that the amount of outstanding demands against the naval service on the 8th February, was 1,421,000*l.*, whilst the whole sum that had been voted was 1,000,000*l.*, and he had asked how the excess was to be provided for after this vote of 165,000*l.* had been passed.

The *Chancellor of the Exchequer* said, that hon. Gentlemen ought to let him know beforehand what information was really wanted, for if he had known that this explanation would be required, his hon. Friend the Secretary of the Admiralty, would have been there to answer the question. It was not right that he should be called upon thus suddenly to give replies. It was but the other day that the right hon. Gentleman (Sir George Clerk) had complained that the naval returns which had been moved for had not been made, when, on referring to the course adopted when the right hon. Gentleman was himself in the Admiralty, it appeared that though the returns had been moved for every year, they had never been produced.

Mr. *Herries* thought, that an answer ought to be given to the question that had been asked.

The *Chancellor of the Exchequer* said, that if there were any difficulty in now proceeding with the report, he would move that the Chairman report progress, and ask leave to sit again. Questions were put about accounts here and there, and if he were not able to answer immediately, an attempt was made to give his silence the appearance as if there was some unfair proceeding on his part, whereas there was no wish to have any concealment; and if he had known that the question was to be put as to this account, the Secretary of the Admiralty would have been there ready to answer it.

Mr. *Goulburn* quite agreed with the right hon. Gentleman, that, in general, if questions were to be asked, it was but fair to pursue the usual practice, and to make an intimation to the party; but he would ask the House whether this was one of those questions on which intimation need be given? The Chancellor of the Exchequer came before the House asking them to provide, by a vote, for a certain excess of expenditure, and in the interval he laid upon the Table an account showing the liabilities at 421,000*l.* above the sum already voted, whilst he had only asked for a vote of 165,000*l.*; and was it more than he ought to have expected, that some question should be asked as to how he reconciled the discrepancy between the vote and the account.

Lord *John Russell* was not aware, any more than his right hon. Friend, that this question was coming on, or that any explanation of the accounts would be required; but with regard to any explanation of the accounts of the navy and army, they depended upon the mode in which the accounts were made up. He knew that in the army, if sums were paid in 1839 for arrears due in 1836, they would not be entered under the year in which they were paid, but under the year for which they were due; but with respect to the navy, he had always understood, that if any demands were paid in 1840, whether for the current expenses of that year, or for the back years of 1836, 1837, 1838, or 1839, they would be charged in 1840, without making any appropriation of the different parts to former years. This showed that there was a distinction between the modes of keeping the accounts in the two departments, and when a question as to the navy expenditure was asked, it required that the accounts should be looked at. At the same time, he must observe, with respect to the conduct of the right hon. Gentleman, the Member for the University of Cambridge (Mr. Goulburn), he had met with nothing but fairness.

Sir *James Graham* said, that the distinction drawn by the noble Lord between the mode of keeping the accounts in the army and navy was anything but satisfactory to his mind, for that distinction had nothing to do with the present question. By the vote in the hands of the Chairman, it appeared that an excess of 165,000*l.* only was provided for, but by documents laid upon the Table of the House a week ago, the excess of naval expenditure for the year was stated to be not 165,000*l.*, but 421,000*l.* That was the point on which he required explanation; that was, the explanation that the Secretary of the Admiralty might have been required to give if he were in his place, and which, if no Member of her Majesty's Government were prepared to afford, the progress of the present bill ought to be postponed.

Sir *G. Clerk* said, that the noble Lord had no right whatever on the present occasion to charge him with being guilty of any want of courtesy against the Chancellor of the Exchequer. He had not the least doubt, that there was no wish on the part of the right hon. Gentleman to mystify the accounts; but it appeared to him that it was a matter which required a few words of explanation how the discrepancy between the vote now proposed, and the amount of the out-standing demands had arisen. He was surprised, that neither the Secretary for the Treasury, nor the Secretary to the Admiralty were present; they could perhaps better give an answer to a question of detail than the Chancellor of the Exchequer.

Mr. *Labouchere* could not help thinking, although the right hon. Gentlemen said, that his right hon. Friend (the Chancellor of the Exchequer) had no right to complain, yet, that if it had happened when the right hon. Gentleman was himself Secretary of the Treasury, that the Chancellor of the Exchequer had, in his absence, moved such a vote as the present, he would have complained, that it was to be delayed because the Chancellor of the Exchequer could not answer a question on a mere matter of detail. It was quite new in opposition to such a motion, a question relating to the details of the naval accounts, and not a question of general expenditure; it was a novel course to postpone a bill on that ground, and his right hon. Friend had cause to complain of it.

Colonel *Sibthorp* observed that, when he looked at the enormous sums paid to her Majesty's Government, it was their duty to be present. He had frequently had cause to complain that there was not a single Minister present when important business was going on.

The *Chancellor of the Exchequer* regretted, that the time of the House had been thus taken up, because he had not been able to answer a question, but if he had been aware, that it would have been put, he would have been prepared to give a reply. It was technically true, that every return from the Treasury was supposed to come through his hands, but it did so happen, in point of fact, that he did not see this return before it was presented. Under the circumstances he would move, that the Chairman report progress, and ask leave to sit again.

House resumed. Committee to sit again.

SOUTH AUSTRALIA.] The House in a Committee upon the South Australian Acts.

The *Chancellor of the Exchequer* said, that the committee would recollect, that on a former night, it had been proposed, that her Majesty's Government should be authorised to guarantee a loan to meet the deficiency for bills drawn from the South Australian colonies; upon that occasion a suggestion was made that there should be an advance of the sum absolutely required to meet the claims for bills and supplies; and it was further suggested, that a vote for this sum should be voted in a committee of supply. Yet upon the whole he thought it better to pursue the more usual course, and take the amount from the consolidated fund. He would, therefore, propose that a sum of 155,000*l.* be granted out of the consolidated fund for this purpose.

Sir *W. Molesworth* said, that the right hon. Gentleman proposed to lend a sum out of the consolidated fund for the purpose of defraying the bills now due. He cordially approved of what had been proposed by the right hon. Gentleman, as the only means of preventing vast distress in the colony. It appeared to him, that the proposal did not go far enough to meet the exigencies of the case. Not only ought the bills which had been drawn by the Governor of South Australia to be provided for, but in his (Sir W. Molesworth's) opinion the debt incurred by the commissioners, and due to the emigration fund, ought also to be paid. There were no funds now available for emigration, and the debt due to the emigration fund amounted to 56,000*l.* He was emboldened to make this proposal because the committee of the House of Commons had been unanimously in favour of the proposition, because when he had moved a resolution to that effect no one had voted against it. It appeared to him, that if they were bound to vote a sum of money to pay the bills drawn by the governor for unauthorised expenditure, they surely ought to pay the sums expended in pursuance of an Act of Parliament. A great part of that sum of 56,000*l.* had been laid out by parties for land, and therefore he contended that they might justly complain that they had been disappointed in their expectations if that sum were not appropriated to carry out emigrants. He therefore entreated the committee to take these matters into their consideration, and he did so now, more especially, because this was the time of year when emigration should take place to South Australia, and when it was best for their health, and for the advantage of the colony, that the emigrants should leave this country. He, therefore, hoped that the right hon. Chancellor of the Exchequer would consent to a supplemental vote, for the purpose which he had pointed out.

The *Chancellor of the Exchequer* said, that the hon. Baronet had not considered the real object of the motion before the House. It was not made with a view to the final settlement of the question, for that had been determined to be postponed when the matter was discussed the other evening, until a bill should be brought in, which should set the colony in its right position for the future. All that was sought to be done by this grant was to provide for the necessities of those who might, by their being neglected, be left in a position of difficulty. He admitted that if this were a final arrangement, the hon. Baronet would have a right to urge the topics which he had brought forward, upon the House, but as it was, he was sure that he would not deem it necessary to press the matter any further.

Vote agreed to. The House resumed, The Chairman reported progress, and obtained leave to sit again on Monday.

POOR-LAW COMMISSION.] Lord *J. Russell* moved the Order of the Day for the further consideration of the report of the committee on the Poor Law Amendment Bill.

On the question that the House resolve itself into a committee,

Mr. *Wakley* said, he perceived that the hon. Member for Preston had put a motion upon the paper since he had given notice of his intention to bring a particular proposition in relation to this bill before the House. Since he had entered the House he had been informed that if he proceeded with his motion and it should be negatived, the hon. Member for Preston would not have an opportunity of taking a division on that which he was about to propose. He was desirous of ascertaining from the Speaker whether, if he did submit his motion, it would have the effect of preventing the hon. Member from bringing forward that of which he had given notice; because he should, in that case, prefer the opinion of the House being taken upon the proposition of the hon. Member for Preston.

The *Speaker* said, that he understood the object of the motion of the hon. Member for Finsbury to be, to divide the bill into two. If that were the case, it would not interfere with the motion of the hon. Member for Preston.

Mr. *Wakley* said, that the motion which he was about to submit to the House was one of a nature purely practical, and could not be blamed for being vexatious and only to produce delay; his object was to test the sincerity of the House, and of those hon. Members who were in favour of the bill, with reference to the continuance of the commission. It was said by many hon. Members that they were anxious that the commission should continue for five years, but no longer; while others said, that they objected to the commission altogether, but that there were many clauses of the bill to which they objected; and the effect of this difference of opinion was, that there was always a majority in favour of the bill. If the bill were divided into two parts, those clauses which related to the commission forming a separate bill, they would have a full opportunity of ascertaining the feelings of the House as to the provisions of the bill—who were favourable to the alteration of the law, and the continuance of the commission. If the House were sincere in desiring that the commission should continue during five years, and should then terminate, if they acted as sensible men, with any desire to conciliate public feeling, and with a spirit becoming the representatives of the people, they could have no objection to throw the clauses into such a form as that they could work them when the commission ceased to exist. This would be a favourable opportunity to show what the House intended should be the future Poor-law of the land. and for determining upon a measure not open to the objections that it was a shifting vacillating law, and that it was liable to be changed in four or five years, leaving the country in doubt as to what course should be hereafter taken in reference to this subject. The present bill, and the Act of 6 and 7 William 4th, were both of them open to the construction that they were intended to secure the permanent continuance of the commission. There was nothing in this bill which could lead any man to suppose that it was intended at the end of five years that the commission should cease. There was no word on which any of the friends of the bill could say that such was the fact, and he said, that this was not dealing fairly with the public; that it was a most unfair, unhandsome, and unphilosophical mode of proceeding. He maintained that they ought at once to communicate to the people of England what they intended to do. and if they meant that the commission should cease at the end of five years, and the Poor-law should be worked by the ordinary authorities of the country, they should come forward with a bill suited to such a state of things; and, unless this were done, the House would be dealing treacherously with the people of England. Was it from a fear that the people would not endure the perpetual continuance of the commission, that they would not do so? Was the House afraid to meet the feelings of the people? He could not understand how the great landed aristocracy of this country, sitting in that House, having so much at issue—who might live so much at ease—could lend themselves to support a measure of this description. He felt that they were supporting a law which was subverting the natural feelings of human nature among the lower classes of this realm. He was astonished that any persons who approved of the continuance of this law should also encourage the education and enlightenment of the people. Could any one suppose that, if the mass of the people were enlightened, they would permit such a law as this to exist? He told the House that it was impossible that education and this law could go on together. The people began to see the nature and character of the odious enactments of the law; they saw that it was a means of protecting the wealth of the country at the expense of every feeling which should be respected among human beings; they saw the aristocracy were maintaining their estates and the great landed interests at the sacrifice of human feelings and human rights, and he said that there was no man possessing property of this character, who was not endangering his wealth, or even putting his life in jeopardy by the continuance of such a law. He had seen much of what passed in London or its vicinity, and therefore under the immediate observation of the commissioners, and when he had witnessed what took place there, he could well imagine what could be the occurrences in distant parts of the country. A short time since he had been called upon to act officially at the workhouse at Isleworth to take an inquest on the body of a child who had died in that establishment. The child was to be buried in the churchyard at Ealing, and its mother was compelled to run almost the whole distance to that place to witness the interment of her infant. When she arrived she was informed that the child could not be taken into the church, as it had died of small-pox. She said that it was no such thing; that she was an inmate of the workhouse when it had died, and that the statement which had been made was a fabrication. The clergyman now said that he would not bury the child, and that he would send it back, in order that an investigation might take place. The clergyman wrote to him (Mr. Wakley), and from the information which he received, he considered it to be his duty to issue a warrant for an inquiry. What took place? It appeared that the mother had been five weeks in the workhouse with her child, which was one year year old. At the end of three weeks the surgeon said, "Your child is now a year old, and should be weaned." She answered that if it must be so, she did not object to it, and on a Tuesday the infant was taken and placed in the nursery. She went on Wednesday and Thursday to inquire for it, and she was informed that it was well. Friday, Saturday, and Sunday passed, and on Monday she paid it the ordinary house visit; but on entering the nursery, and seeing the children, she found her infant so changed that she could not recognise it. She now said to the governor that she wished to have an order to quit the house, for that it was impossible her child could live. The governor said that there were some matters of importance to be settled, and that he could not give her an order, but that the doctor should see the child when he arrived at half-past two o'clock. He did see it, and he said there was nothing serious the matter, and he ordered the child some medicine. On Sunday night at nine the child was seized with convulsions. At a quarter to eleven it died, and the nurse went to inform the governor of the fact. On the nurse being asked whether she had informed the mother of the illness of the child, she answered that she had nothing at all to do with the matter, and that she did not consider it a part of her duty to inform the mother of the fact; yet the mother was in the same house where her own child was dying, and she was not informed even that she was ill! It was only casually that she heard of it at all. Entering the breakfast-room the next morning she remarked that the women all looked at her, and one of them pointing to some crape, said "Oh, you have not heard what has happened: your child is dead." At first she could not believe it, but rushed from the room to inquire, and found that it was the fact. Now, was this a system of legislation that the House were prepared to sanction, uphold, and support; and were hon. Gentlemen, Members of that House, so foolish and maddened as to believe that, with such a system of legislation, they would always remain in the safe possession of their property? If they sanctioned a system which taught children not to reverence their parents, and parents not to feel an interest in the health or the welfare of their children, could they believe that the poorer classes would long continue to regard themselves with respect? Talk about radical and destructive measures! of all the radical, revolutionary, and, in their results, sanguinary laws that ever were framed, he believed that the equal of this law was never invented by any human being. It was painful to him to state these things; but he could not relate the thousandth part of what he daily witnessed as to the state of public opinion as to this odious, detestable, and detested law. He wished the House could see the jurymen when such cases came before them, or hear their expressions as to the state of the legislation of this country, when they witnessed such a sacrifice of all those feelings which ought to be most cherished by human nature. In the case to which he had referred, what must be the feelings of the woman to the end of her days? They did not stop at what he had stated, for they sent the child away to be buried without allowing the mother to put on the dress proper for the occasion, and the first thing she heard on entering the burial ground was that the child could not be taken into the church because it had died of small-pox. The fact was, that the child had never had the small-pox at all. He next came to the question of out-door relief. For his own part, from what he had seen of the unions, he must say that, if it were put to him to choose between going to gaol or going to the workhouse, he would choose the prison. The inference seemed to be, that all those who applied for relief were idle. But it was well known that there were many meritorious poor—men who had spent thirty or forty years in struggling industry; who had striven and toiled from morning to night in order to maintain themselves in respectability, and had never attempted fo obtain parish relief until forced by old age to do so. There were many also above the labourer in station, little tradesmen who had maintained their stations in life for twenty or thirty years, paying rates all the time, until ultimately misfortunes fell upon them, and they were necessitated to apply in their old age to their neighbours for relief. Was it intended that these men, who had all their lives toiled in order to avoid having to be a burden upon others, should be placed exactly on a level with the idle spendthrift, who had squandered away all his means, neglected his wife and family, and thus brought himself to beggary and want? Yet in the operation of this law,no distinction was made between these two classes of poor. The noble Lord (Lord J. Russell) had told them that, provided there was destitution, they were to lose sight of all the causes of that destitution, although in the one case it might have been the result of criminal folly, and in the other of inevitable calamity, and that they were to treat both cases as having equal claims upon the public. The noble Lord said this in a reformed House of Commons, but not an amended House of Commons. He solemnly declared, after what he had himself seen of the legislation in that reformed House, he would prefer having the old boroughmongers back again, for he firmly believed that they cared more for the real interests of the people. What boroughmonger would have dared to submit such a law? He would not have presumed to produce such a law. But now, because the House was elected by considerable masses of the public, it was presumed that it was strong enough to work out an enormity of this kind. The truth was, the people were not represented in that House —if they were, such legislation could not occur. The hon. Member under him said, that to return to the old system would be to make matters worse. All he would say was, that he did not care if he never heard the name of reform again, and he was very sorry he had ever taken part in bringing about such a change. The people of England were a people not difficult to be pleased. They were of a kindly and generous disposition; they required nothing but kindly treatment. He did not think there was on the face of the earth a more honest-hearted or a better people than the working people of this country. Was it fair, then, that Gentlemen should presume upon their wealth, station, and position, to keep their seats in that House and frame laws for persecution and torture? But it was said, that the effect of the law would be to raise wages. But the law had now been six years in operation, and the reverse had been the result. What said the rich to the poor people? First, they said, having secured the possession of their property by law, they also had secured the right of making laws, and that if the poor man broke them they would punish him: that they had their mansions, and their parks, and their deer, and their hundred thousand luxuries. They said to the poor man, "We will allow you to live outside our park palings; if you come over the palings you will be a trespasser. Don't tear down any part of the palings; if you do, you will be a thief." But everybody knew, that the great mass of the poor used to have no desire to take away the property of the rich. When he (Mr. Wakley) was a boy, no farmer thought of putting a fastening to any part of his house, because he felt, that he was living in an honest neighbourhood, and that all around him were friends. Now, however, there was a very different state of things, the rich were wanting a police to preserve their property. Having placed the poor man in this situation, the rich man now said to the poor man, "Now you may get work if you can. You must either take the wages I offer you, or go to a gaol." Instances innumerable occurred of men with families of five or six children, who preferred living on 5s. a-week, to going into these gaols. He had held inquests on the bodies of persons who had died of starvation rather than enter them; and in one case at Kensington, the man had actually died with an order for his admission into the union in his pocket. It had been proved in evidence, that at the Kensington union, it was no uncommon thing for persons to apply for relief as early as eleven in the morning, and to be kept until ten at night, without succour or sustenance. Parties had dropped down in the passage, in a state of exhaustion. Why, indeed, were the unions made so large, unless it was to prevent the poor man from applying for relief? How could a poor man walk nine or ten miles to the union from his home? And, if he happened to have miscalculated his time, he would be unable to get relief until the next week. What must the poor think of the nobility and gentry, or the boards of guardians, who submitted so tamely to the orders they received from Somerset-house, although they disapproved of them. He remembered a case that occurred recently of an application being made to the guardians to allow the paupers four ounces more of rice per day, the guardians thought it very reasonable, but they were compelled to say to the poor, how sorry they were, that they could not grant the request. The poor naturally asked why the country gentlemen of England submitted to such a state of things? They were neither timid nor ignorant, said they, and if a law was passed, prohibiting the rich man from giving his dogs more than a certain quantity of animal food per week, or from keeping none beyond a certain number of race-horses, it would not be long before the yeomanry cavalry would be out, and all the hills of England bristling with swords and bayonets. What, then, was the inference? That because these tyrannical laws of Somerset-house affected the poor and not the rich, the latter did not care about them, and bowed submissively to the authority. Respecting as he did the institutions of this country, and valuing as he did her peace and happiness, wishing that the noble Lord should preserve his wealth and state, and that the poor man should not be in a situation to envy him the possession of them, and desiring as he did, that the spirit of concord and mutual good will should prevail in the land, around it and throughout it—and because he did, from the bottom of his heart, deplore the existence of the law, and the constant support of those who were the natural protectors of the poor—it was, feeling all these things, that he submitted to the House this motion in the hope that it would be carried. It was his anxious wish to see one-half of this bill appropriated to the commission, and the other so framed as to convince the people, that the system could at some time or other work without the necessity of the commission being required to work it, and that it was the intention of the House that it should so work without it. Such a proceeding would give great satisfaction to the public. The hon. Member concluded by moving, that it be an instruction to the committee, 'that they have the power to divide the bill into two parts.

Lord *John Russell* said, when the hon. Member who had just sat down had intimated his wish that the bill should be divided as a matter of convenience, he was ready to have heard the hon. Member's reasons. But, in the speech of the hon. Member, he had looked in vain for any reasons or arguments whatever; on the contrary, the hon. Member had addressed himself again to those inflammatory topics which were intended to produce a prejudice against the Poor-law Amendment Bill, and to exclude every other topic which he thought might have the effect with certain parties. Among other topics the hon. Member had referred to the working of the Reform Bill. Now he could not forget that there had been a great deal of discussion on that subject, in which at least most points had been agreed upon. But one point was very much urged upon the House, and which was still more urged in the House of Lords—that provision which gave representatives to the large metropolitan districts, because, said the opponents of the bill, admitting that the old system was bad, admitting that the making of mere paper voters ought not to be allowed, admitting that such large towns as Manchester and Birmingham ought to have representation, yet if you give representation to those large metropolitan boroughs the result would be, that they would send to Parliament a set of mischievous demagogues, who would have no regard to the general interests of the people. If those demagogues should happen to be lawyers, and should sit in courts of justice, they would turn their courts into arenas of political discussion; and if they should hold any other office connected with the administration of justice, they would pervert the powers confided to them to party and sinister purposes. Whatever might be the effect of other parts of the bill, that part of it would be sure to have an injurious operation; and the result would be, that you would see in the House of Commons, men who ought never to have been intrusted with the power of representing the people. These were the arguments of the opponents of the Reform Bill at the time; and he was not quite sure that things had not occurred during the working of the act, which in a great measure tended to verify their predictions. Now, the hon. Member, among other arguments on this and other occasions, had referred to the Poor-law Amendment Act as tending to increase the value of property, and to give additional security to the rich; and he had to-night told them, that it enabled the rich to have their parks, and their preserves, and their racers. He did not deny, that this might be a collateral effect of the Poor-law; that it had increased the value of property by diminishing the excessive charges upon it, and putting an end to the waste that formerly took place. The general property of the country might be improved; but if the law was one which was for the general benefit of the country, which raised the character of the labourer, and drew the distinction that ought to be between waste and real relief, that was no conclusive argument that the object of the measure was to increase the value of property and improve the situation of the holders of it, to the exclusion of the other classes of the community. It was no complete and final argument against the bill, that the landed gentry derived an advantage from the decrease in the expense of maintaining the poor, in common with other classes. The hon. Member had stated a particular instance of the working of the act, which he had narrated with that ability and clearness which always characterized him, but unfortunately the inference he drew was not correct. He had detailed the case of the death of a child in a workhouse of which the mother was an inmate, and had complained that she was not admitted to the child. Now he (Lord John Russell) had been informed though he did not pretend to know all the particulars, that the child was subject to convulsions, a disease very common among children, and that the nurse said that the approach of the mother after the child had been recently weaned would tend to increase its excitement and aggravate the disease. That was a case that might occur in the house of the richest man in the country. He must at the same time, however, say, with regard to one particular fact which the hon. Gentleman had mentioned, that when the child was dying, and when afterwards it died, immediate notice should have been given to the mother. The conduct that had been pursued in that respect was exceedingly blameable. But with reference to cases of this kind, the hon. Gentleman had the opportunity of hearing evidence—too often taken when no one was present who could contradict it; but he submitted that no law which ever had been made, or ever could be made, would prevent the occurrence of such cases as had been told, with every unfavourable circumstance that could harrow up the feelings of the hearers, and rouse indignation against the officers to whom the administration of the law was intrusted. Such cases were not confined to the present law alone. In the report of the commissioners of inquiry there appeared the case of a pauper at Bristol, who was insane, and who had been kept for several years in a dark room, which was never cleaned, and was a mass of filth, and who was himself in a horrible state from the same cause. He had himself among many others, thought the persons who allowed this, very much to blame, but he had never thought of attributing their conduct to the Act of Elizabeth. Such cases they ought to do their utmost to provide against and prevent, but at least they were less likely to occur under the present than under the old system. Under that system, every parish had its own separate government, and if cruelty took place it was hidden, unknown or forgotten, but under the present system there was more publicity. There was the board of guardians meeting from time to time, and if anything like a case of hardship did occur, it was sure to be in all the newspapers of the day, and there were sure to be long letters on the cruelty of the case. Moreover, there was a certain number of persons who were not satisfied with looking at such cases as grounds of complaint against the parish officers, and as reasons for convicting them of neglect of duty, but made it a source of attack upon Somerset-house and on the Government of the day. Thus there was at the present time much greater security against acts of oppression or cruelty than there was under the former law, both as regarded publicity in the event of offences being committed, and in the prevention caused by the fear of such complaints being made. He did not mean to say that there was perfect security. Cases of the kind had occurred, and might occur again; and he maintained that they could not have a law which would afford perfect security in all cases. If any such law could be framed, let the hon. Gentleman bring it forward; but until he did, let him not charge upon the present law faults that would exist in almost any law that could be made. The hon. Gentleman complained that the rules of the Poor-law commissioners prevented the introduction into the unions of certain articles which the boards of guardians were disposed to allow to be used. There was this, however, to be considered, that when the boards of guardians ordered such articles of food, they ordered them not out of their own pockets, but out of the rates, which imposed a tax upon the poorest independent labourer as well as on the man of property, and that when the Poor-law commissioners prohibited such things, they had to consider whether the object of them was really to provide for destitution and to relieve poverty, or whether they were not taxing the industrious for the relief of the less deserving. The hon. Gentleman had also blamed the statement made by him, that destitution alone should be the test of relief. He still adhered to that principle, thinking it was the great point of contrast between the present and the former law. He maintained that it was, on the whole, beneficial to the labouring classes, and that the principle which the hon. Gentleman sought to establish was the reverse. That to which the labouring classes of this country ought to look, was the power of making a fair contract with their employer. When they gave their labour in exchange for wages they gave a full equivalent, and there was no obligation on either side—in that respect the contract was equal between the two parties. If there were any means by which labour was restricted, or any laws by which the means of exchanging labour for wages were in any way contracted, or by which the price of the necessary articles of the labourer's consumption were artificially enhanced, then he would say, if such restrictions were absolutely necessary for the welfare of the whole State, impose them: but he would say take great care that they really were so, because, if you by any means enhanced the price of food, you thus rendered a rise of wages necessary in order to enable him to live. But, he repeated, let the labourer have the means of making as fair a contract as he could. When they had done this they might let the labourer do as well as he could by his own industry and exertions, and by the benefit of his own character. He had no doubt but that in such a state of things the English labourer would be well provided for, and would receive what was due to him. But if they came to the Poor-laws and said, "we will intercept the wages of the labourer, and we will take care that what he receives shall be partly in the shape of wages and partly in the shape of Poor-law relief," and also said that "for one part of the year the labourer shall be paid in wages, but in the other part he shall go to a public board to receive money for his support." as the hon. Gentleman's proposition stood, the board would have to inquire into the character of each man coming before it, and as to whether he had been prudent or improvident in his conduct; and this, not with a view of engaging him as a labourer, but to consider whether he should be a recipient of public charity. Such a proceeding degraded the character of the man who had to make his labour thus dependant, and if adopted as a system must inevitably lower the character of the labouring classes. Instead of leaving it open to the labourer and the employer to enter into a contract, it made it appear as if the latter contributed, in the shape of charity, to the support of the former; and when the labourer was thus sent to the public board, it left it in the power of any person's caprice sitting at that board to say that relief in charity should not be given to any particular person. The hon. Gentleman might take it for granted that the board would take a most disinterested part, and would act with the most perfect fairness and liberality; but he might depend upon it that this would not be the case: for instance, a farmer, sitting at the board, might say to those acting with him, that he did not like some particular man—that he had offended him—and that he trusted that no relief would be given to him. Again, a country gentleman might say that he knew the man applying for aid, and that he had stolen a hare in the previous week; and so every man would have to undergo a trial before this irresponsible board, that they might see whether he had a character or not; and the result must be, that they would degrade the labourer to what was formerly called a state of villanage. The hon. Gentleman alluded to the repugnance that was manifested by the labourers in a state of destitution to go into the workhouse; but he could not help saying that in some respects that feeling was founded in an error. If the opportunity of making contracts between the labourers and their employers was left open, the farmers and gentry would see that it was better to give the men fair wages, and thus refuse to take them into the workhouse. In such a state of things, the labourer would be in a far better situation than he possibly could be under any such arrangement as was suggested by the hon. Gentleman; by attempting to instil into the mind of the labourer the feeling that the workhouse should be regarded as a prison, and that it was better for them to take a lower rate of wages than to go into the workhouse. He conceived it to be most objectionable that the labourer should thus be urged to depend upon charity doled out to him in aid of his wages; and although those who did so might call themselves the benefactors of the labourer, instead of being so they were acting the part of his worst enemy. He was sorry that he had been led into a general defence of the Poor-laws on a motion to divide the bill into two bills; it was a course, perhaps, which he ought not to have followed, but he could not hear the charges that were made day by day by those who wished to oppose the principles of the Poor-laws without saying what he had in their defence. He did not regard the benefit of the present system in the light which had been alleged: he did not look to it as to whether there might be a saving or not to the rich and to those who paid the poor-rate; he did not regard it as to whether it had produced an additional confidence in the security of property. As to whether or not it had merit, in this respect he regarded as a subordinate consideration in comparison with another—namely, his belief that if the system was steadily carried out, it would raise the character and improve the condition of the labouring classes; and if maintained, that it would restore to them that high character and independence which they held in former times.

Mr. Fielden supported the amendment.

Lord *Granville Somerset* wished to make a few observations on the amendment of the hon. Member for Finsbury to divide the bill into two parts, as he agreed with the hon. Gentleman in regarding the present system of poor-laws with great distaste. He entertained great objections to several clauses in the bill before the House, but he thought, that the only chance of getting rid of them, and of amending the law as it stood, was not to separate the bill into two parts, for when the noble Lord had carried that for the continuance of the Poor-law commission, he would care very little about pressing the other measure, and would postpone it until next year. He thought, if the noble Lord wished to escape from a series of very protracted discussions, he would assent to the proposition of the hon. Gentleman. As he was very anxious for the amendment of the law as it now stood, and as he believed the success of the hon. Member's amendment would endanger the success of many alterations which were to be proposed, he should oppose it.

Colonel *Sibthorp* said, that there was more joy over one sinner that repented than over ninety-nine just persons, and the hon. Member for Finsbury stated, that he repented the support that he had given to reform and to the present Government. He sincerely requested the hon. Gentleman to quit the benches opposite and come over to that side of the House and join him. The hon. Member, like other hon. Gentlemen, had obtained his seat in that House in consequence of the strong opposition which he had shown to this abominable system of poor-laws, and he had certainly that night pointed out the evils of them in a speech of considerable power. The noble Lord alluded to what he was pleased to call amendments in the system; now he had always understood that the meaning of the word amend, was, to change bad to good; if, therefore, it improved the condition of that class of persons for whom the noble Lord said, that he entertained a great regard and consideration, it would be an amendment; but the result was directly the contrary; he therefore, could not tell what was the meaning the noble Lord attached to the word. He not only objected to the Poor-law commission, but to all other commissions that had been recently established. He firmly believed, that the existence of those bodies, and the acts which they had led to, had brought the country into the lamentable state in which it then was. It appeared to him to be an absolute absurdity to expect, that three commissioners in the metropolis could control and superintend proceedings at a distance of hundreds of miles, or be able to distinguish what was good or bad in a place far away from them, or exercise a sound discretion and judgment in this matter. The bill was partial and oppressive in its operation, and that this was the opinion of the country he would appeal to the grea number of petitions that had been presented against it. Any attempt to ameliorate the condition of the poor under such enactments as were contained in the present bill, was a matter of perfect absurdity. He did not agree with the noble Lord the Member for Monmouthshire in his objection to this motion, for it often happened, that notwithstanding the length of debates on a motion, the subject was afterwards postponed. He had often listened for six hours at a time, to a debate in that House on a measure of the Government, and to which it was understood they pledged themselves, and which the noble Lord opposite afterwards postponed till the next Session. He cared for no administration that could be formed, but would continue, notwithstanding any change that might take place, to give his most strenuous opposition to all measures like the present. He should take care to oppose this bill at every stage, and should therefore support the amendment of the hon. Member for Finsbury.

Sir *Harry Verney* thought, that the country was greatly indebted to the Poor-law Commissioners in London, for the ability and steadiness they had manifested in carrying the present Poor-law Act into effect. He was convinced, if the power vested in them had been left to local authorities, that the most important improvements would have been sacrificed to local feelings or to temporary popularity in certain districts. Since the New Poor-law Act had been brought into operation, wages in many parts of the country had sensibly increased, and in some agricultural places within his own knowledge they had advanced from 8*d.*, 9*d.*, and 10*d.* a day, to 14*d.*, 16*d.*, and 18*d.* This was more particularly the case as regarded young unmarried labourers, who, under the old system, in consequence of not having families which were burdens on their parishes, received the smallest possible pittance out of the poor-rates in aid of their scanty wages. He should oppose the amendment.

Mr. *Wakley* would not press his amendment. He had brought it forward for a practical purpose, but as he had not met the support of many of those who agreed with him in opposition to the system, he would not press it.

Amendment negatived.

Mr. *Townley Parker* said, that if he wanted any apology for addressing the House on the present occasion, he should find it in the multitude of petitions which had been presented to that House. He had himself presented a petition signed by between 4,000 or 5,000 of his constituents. In the sentiments of those petitioners he fully concurred, and he had every reason to believe that they were sanctioned by the general opinion of the country at large. He was resolved to oppose this bill at the present and at every future stage, and he was strengthened in this resolution by remembering that it made every regulation against the poor much more stringent than any previous measure. It was clearly the intention of her Majesty's Government to make this measure permanent, and it would be better and more honest for them to say so at once. The continuance of the Poor-law commission had been defended upon the ground that many of the proposed unions had not yet been completed; but surely that object could be effected in a much shorter time than it was now proposed to give to the duration of the commission. But he objected to the measure on other grounds. It went to give the commissioners a great deal too much power; it invested them with the power of making law; it enabled them to appoint local boards of management, whom they found far more subservient and pliant than boards of guardians; it gave them the power of taxing to the amount of 20 per cent. a large sum annually levied upon the several counties. But the powers of the commissioners were even yet more extensive; in illustration of this he should call the attention of the House to a paragraph which appeared in a newspaper, and respecting the statements which it contained, he had received private information which left no doubt on his mind that those statements were substantially correct. They displayed in a very striking manner the character of the Poor-law commissioners, and the principles which governed their conduct. The paragraph stated that a meeting had been held at Barnstaple, at which several magistrates and other gentlemen had attended, for the purpose of expressing their sentiments, as in this free country was their undoubted right, on the subject of the wokring of the New Poor-law. The paragraph went on to state, that immediately after the meeting an assistant-commissioner was sent down, who summoned before him the gentlemen and magistrates who had attended the meeting, and proceeded to examine them on oath as to the remarks which they had made at that meeting. Now this he did know, at least this he had heard from authority on which he placed the fullest reliance, that a commissioner did go down, that the name of that commissioner was Gilbert, and that the name of the magistrate summoned before him was Wight. He would only refer to two clauses of this bill, the 38th, and 39th, which he thought would more particularly deserve the attention of the House, if they should go into committee on this bill. Those clauses went on to enact that in all cases where, since the election of guardians, the population of a parish should have been changed, it should be lawful for the commissioners, with the consent of the guardians, to alter the number of guardians, and also to combine two or more parishes for the election of one or more of such guardians. That would, in point of fact, be leaving some townships without any Poor-law guardians at all. But his objection was not solely to the bill now before the House, but to the principle of the existing law. The commissioners had taken credit to themselves for the great advantage the country had enjoyed under their administration of the law, by the economy it had introduced, by the diminution of paupers, and by the great improvement it had effected in the moral condition of the people. Now, he objected, in the first instance, to the system itself, and next he denied that there had been any economy resulting from it, at least in that part of the country with which he was connected. On the contrary, he thought he could prove that the expense had been very materially increased, amd that if any considered the law beneficial on account of that which was regarded as the fundamental principle of it, namely, the test of labour in workhouses, it was utterly impossible to bring it into operation in large and populous districts. Another objection which he had to the details of the law was the universal interference which was exercised by the commissioners in all parochial matters. In former days the select vestry managed, and satisfactorily to the rate-payers and the poor, the operation of the Poor-laws; and, under that system, the people had to a great extent a share in the conduct of parochial affairs, by their having votes for members of the select vestry. But since that time the system of centralization had been introduced, of which he greatly complained. He found it defended, however, by the commissioners, who said that with respect to the system of centralization, which was so much objected to, not to mention the post-office and other departments of the public service which were under the same system, the objection might also be urged to the present mode of administration of justice, which might be considered to be under some system of the same kind. But he would contend that there was not the slightest analogy between the situation of the select vestries of former times and the several boards of guardians of the present day. To him it was astonishing that such arguments should be made use of in favour of so reprehensible a law. But the commissioners had endeavoured to enforce that argument in a manner so flimsy as scarcely to deserve notice. He would next pass to the grounds on which they recommended the continuance of their own legislative body. There was, said the commissioners, a great advantage on this subject in the interposition of an authority between Parliament and the people, who could issue regulations under the act in a detailed form; for the style of composition of acts of Parliament was so peculiar as to render them hardly intelligible to any other than professional persons, and the people at large would therefore derive advantage from this law being explained and administered by competent authorities. Now, certainly, if ever he saw a bill which would require to be explained by some competent authority, so that any one could understand it, and especially if any of the fifty-nine amendments that were proposed should be adopted, it was the bill now before the House. But he had heard it stated the other night in that House by a high authority, one of her Majesty's Ministers, the Secretary at War, that one of the most sacred rights which the people of this country laid claim to was, that the laws of the land should be so plain and simple as to be easily comprehended. He objected therefore most strongly to a bill of this nature, which required the elucidation of the Poor Law Commissioners. But the Poor-law was one in which the people were more peculiarly interested than in any other; they were daily coming into contact with it; its effects were continually before them. One easy part of the commissioners' duty, however, would be, that they would not have to consider any portion of this law as applicable to the law affecting the birth of illegitimate children. On that subject he had a very strong feeling. He thought the law had been harsh towards that sex whom it was their especial duty to protect. It had been said, that the old law offered a premium to prostitution in the orders which the magistrates were obliged to give. But he never could believe, that for an eighteenpenny order a woman would sacrifice her situation in life and admit her shame. In fact, such an argument ought to be treated with the scorn it deserved. But this he would say, that the New Poor-law had not rendered an unfortunate woman liable to imprisonment on the birth of an illegitimate child, or allowed her to be hurried about from parish to parish when she was, perhaps, in the last stage of pregnancy, as was formerly the case. He held in his hand a pamphlet which was entitled *A Simple Remedy for Seduction*, edited by Sir Edmund Head, but he could not concur with much of the argument that was adduced by the writer. In that publication he stated one fact from which he must certainly dissent, after the experience which he had had as a magistrate for twenty-three years. The writer stated, that under the former law the fear of imprisonment necessarily influenced a person in the oath she gave; that the whole proceeding before the magistrates was *ex parte;* and that the reputed father was never present. Now, in his experience, he had never known an instance, nor did he think a single magistrate in that House could say, he ever knew an affiliation order to be made without the reputed father having been summoned to show cause against it: nor did he ever remember an instance in which that reputed father had established the fact of his not being liable to the charge. The pamphlet concluded with sundry quotations of Latin, French, and Greek, which might furnish considerable proof of the writer's ability, but the whole of his argument made him imagine, that he had not had much experience on the subject. [*Cries of* "*Question, question.*"] This was a question in which the constituency he represented were much interested; and if hon. Gentlemen who had just cried "question" were becoming impatient, he should recommend them to leave the House a short time. The Poor-law Commissioners had, as he had before stated, taken to themselves great credit for the vast economy and saving their administration of the law had proved to the nation. Now, by the printed documents which had been laid on the table of the House on the motion of the noble Lord, the Member for Monmouth, he found, that in the year 1839 the number of parishes that were united was 13,671; and in 1840, 13,695; so that in one year the only increase in the number united was twenty-four. In the year 1839 the amount levied for the relief of the poor was 4,865,600*l.*; in the year following it was 5,213,898*l.*; so that in the year 1840 there was an excess in the expenditure, over the year 1839, of 348,298*l.* The commissioners, however, said, they had saved the country between 2,000,000 and 3,000,000*l.* annually; but it appeared, that that prospect would very shortly close, for he had shown, that there had been in one year an increased expenditure of 348,298*l.* while there had been only twenty-four parishes added to the general union. What he had hitherto stated was in respect of the general interests of the country as affected by this law; but he would now refer to those interests which were more peculiarly local, and with which he was better acquainted. He would mention first the union of Preston, the town which he had the honour to represent. It was one of great extent, comprehending about 53,000 acres, and at the present time not much less than 90,000 inhabitants. In the year ending March, 1840, the expenditure of the union for the maintenance of the poor was 12,632*l.* The average expense for the years 1834, 1835, and 1836 for the same purpose, amounted to

11,350*l.*; so that there was an excess of more than ten per cent. in the expense, and he was informed it had been found necessary to increase the next call on the town five per cent. For the town of Preston for the same year, 1840, the expenditure was 6,782*l.*, whilst the average for the years 1834, 1835, and 1836, was only 5,644*l.* so that there had been an excess of 1,138*l.*, or more than twenty per cent. The average for the borough-rate, during the same three years, had been 9,867*l.*; but for the year ending the 5th of March, 1841, the actual rate levied was 12,349*l.*, showing an excess of 2,482*l.* He was informed, that that to a great extent was to be attributed to the distress that existed in that district during the last year; but he understood also, that it was to be attributed to their giving little out-door relief. He could not but think, that that statement was exceedingly alarming; for it had taken place during the time one of the Poor-law commissioners was residing in the town, and all was done under his particular direction, and now he had left in all probability the expense would be greater. From the town of Preston he would turn to that of Chorley, a large and populous town in his neighbourhood In that place also there appeared to be a gradually increasing expenditure for the relief of the poor of the parish. It was only united to the other parishes in 1838, or he might say not until March, 1839. Now, the average expense, there, during the years 1834, 1835, 1836, and 1837 had been 5,930*l.*, but in the year following the union, the expense had been not less than 6,430*l.*, showing an excess of above 8 per cent. over the former expenditure. In the township of Adlington, in the same union, for the three years preceding its junction with the Chorley union, the rates were 221*l.*, but since that time they had been 291*l.*, showing an excess of 34 per cent. In the township of Anderton, for the three years preceding its being joined to the other parishes, the average expense was 147*l*, but since that time it had been 248*l.*, showing an excess of 70 per cent. He would now refer to the town of Prescot, with which he was not connected, but with the circumstances of which he was well acquainted. During the time that town was managed by a select vestry the average expense for the relief of the poor was 797*l.*; but since the union it had been 1,361*l.* annually, so that there was an excess of 70 per cent. in that township. These were very striking facts, and he should be much to blame if he were not to take that opportunity of informing the noble Lord opposite that if the New Poor Law had been such a great blessing and great saving to the country, its advantages had not yet reached that part of the north with which he was connected. But, besides his objection to that enormous increase of expense, he objected to it further on account of the utter impracticability of carrying it out in populous manufacturing districts; because the Poor Law Commissioners affected to tell them that the merit of their plan should be in-door relief. They stated, in the first place, that the necessity for that plan arose from its being impossible to ascertain the rate of wages. He dissented from that position. He flattered himself he had had as much experience on that point as the Poor Law Commissioners; and, although they might possibly imagine, standing as he did there, that he was careless in attending to the public interests of his neighbourhood, yet he would inform them that he had always been attentive to his duties as a magistrate, and that he had never had the slightest difficulty in ascertaining the amount of a labourer's wages, whether weaver, spinner, or whatever other trade he might be. When, therefore, the commissioners recommended that the test of destitution should be the workhouse, he must say he thought they had proceeded on an erroneous system. But they had said most distinctly that the workhouse should be the test and fundamental principle on which they meant to act. They went, indeed, this length: that all distribution of money or goods to be spent by a pauper in his own house would be inconsistent with the principle on which the measure was founded (as we understood). But did they imagine there was no pain felt in applying for relief? Did they think that the mind of the labourer was so debased that he was little better than a beggar in the streets? The commissioners went on to say, that in order to carry out the principle, it was necessary that paupers should not be relieved by money, but as many as required relief should resort to a pauper establishment. He now proceeded to prove, that it was utterly impossible for the workhouse test to be applied to large and populous districts. He took, for instance, the Preston Union. In 1837 the union was formed, and there were thirty-four elected guardians, including ten *ex officio*. The number of townships was twenty-eight; the average was about 53,000 acres; the radius 6¾ miles. The population of the union was, in 1831, 58,838; it was now said to be 93,732. Preston population was, in 1831, 33,112; it was now 63,633. The greatest number of paupers in the whole of the twenty-eight townships before they were united, he had been informed, amounted to 657 in-door paupers, and 1,919 out-door; total, 2,576. In the December quarter, 1839, there were relieved, in-doors, 716; out of doors, 5,257; total, 5,973. In the corresponding quarter of 1840, there were relieved, in-doors, 1,170, and out of doors, 6,461; total, 7,631, showing an increase of 1,658 over the number of the preceding year, and 5,055 more than before the union. All these circumstances were calculated to make the bill extremely unpopular in the great county with which he was connected. He should be sorry to say anything harsh towards the noble Lord opposite; the county had a high respect for his private character; but he could not refrain from asking him how he could insult the people of England by offering them such a bill? The noble Lord had spoken on former occasions of the necessity of conciliating the Irish people, in order that we might be strong in ourselves and become a united people. He could assure the noble Lord that in the north of England nothing was so well calculated to separate and disunite the people from the Government as this bill, and he trusted he would not think of doing justice to Ireland alone, but that he would also do justice to the people of England. He would address himself to the other side of the House, to those who considered themselves as the friends of the poor, and called upon them to consider that this was the poor man's bill, and not to widen the interval between the rich and the poor, by supporting it. Before he sat down, he would merely say that nothing would more soothe the country, or be more satisfactory to the poorer classes, than the tearing of this accursed bill from the statute book; and although he did not expect he should be supported, still he must not forget that he had a duty to perform to his constituents and to the other large counties in the country, and he would give an opportunity to hon. Members to redeem their pledges to their constituents, by requesting that the Speaker would put from the chair the resolution he held in his hand, "That the bill be committed this day six months."

Mr. *Grimsditch* rose to second the motion. After what had fallen from the noble Lord a few nights ago, he was satisfied in his own mind that the intention of her Majesty's Government was to make this Poor-law perpetual. He might be told, that they had altered it by reducing the term of the commission from ten years to five. This had been a concession. And why? To satisfy the Conservative side of the House. If ever there was a bill which fully justified opposition in every stage, and in every way, it was the bill before the House; because, if it was looked at it not only went to perpetuate the commission, but to enlarge the powers of the commissioners to a great extent, and it imposed a taxation upon the country, which the country would not bear. Looking at the extent of the power given to the commissioners, and at the mischiefs which the law had engendered, and continued to engender, those gentlemen had no claim, and the Government had no claim, to call upon the House to say, that they should stand in a better situation than to be continued from year to year. The power given to these gentlemen ought not to be put for one year out of the hands of Parliament. The noble Lord had adverted to the mischiefs of the old law, and he feared that many such cases might have arisen under that law; but he contended, that as the unions were formed, the poor had no protection; oppressions might go on, and great hardships be inflicted on the poor, without being brought to the cognizance of the authorities of the law. The noble Lord, the Member for Northumberland, had on a former occasion, lamented, that the right hon. Baronet, the Member for Tamworth, should think, that the Poor-law Commissioners ought not to be continued for ten years; he said they ought to be permanent, and he had regretted exceedingly, that at the passing of the first Poor-law Amendment Act a little more firmness had not been exhibited, which would have made the commissioners permanent. He had always considered, that the great value of every law was uniformity; but the Poor-law Amendment Act produced no uniformity; what was law in one union, was not law in another union. He should like the noble Lord, who had had some experience as a Poor-law guardian, to pay a visit to the county of Lancaster, to the Bolton union, to see how the law worked there. Why, at this moment, there were 6,000 or 7,000 paupers, whereas, at the formation of the union, the number was but 5,000. He might be told, that this was a time of pressure, which he would not deny; but what was the machinery of the law in the Bolton union, where the population was now about 100,000? He should like to know how thirty or forty guardians, meeting once a month, to select different parts of the union, could get through the whole of the cases. He was sorry to take up the time of the House, but he felt the feeling against this bill to be strong in the densely-populated districts; that an anxiety prevailed on the subject there, nor was it popular in any part of the country. He would make only one or two observations with reference to the particular union with which he was connected. Its area was 60,000 acres, and the expense which previous to the establishment had been 3*s.* in the pound, was now 6*s.* The way in which the law was carried out, was not justified by the law of the country. He should like to know whether Gentlemen on the other side expected that the people would endure that the commissioners should have the power of making laws; that they should assume kingly and legislative power; they were subject to no control; they were the lawgivers. An order made by the commissioners rescinded a direction in an act of Parliament. The law was carried out in such a way, as went, sooner or later, to destroy our social system, by creating a division between the rich and the poor. All power was centred in the commissioners. The board of guardians could not discharge a master or mistress of a workhouse, nor a medical man, nor a clergyman, nor a schoolmaster. They must report to the commissioners why they wished the individual to be discharged, and wait their orders. What did the commissioners know about these matters? They actually put the board of guardians on their trial. In one case, where the returning officer had given 1*s.* 6*d.* to a poor woman when he had been ordered to give 2*s.* 6*d.*, being detected, he was dismissed, and the commissioners called the board to account for doing so. The present system was not only not uniform, but it was imperfect; if they meant to adhere to the system, they ought at least to make it perfect. He might be asked, whether he was ready to return to the old system. He replied, however, that it was not necessary to recur to a system like the old, and he was ready to engage to bring in a bill after Easter by which the unions might be worked without the aid of the commissioners. He had been in hopes, that the Government would have proposed some mitigation of the severity of the bill in favour of the labouring population of the country. He hardly expected, that a proposition to give temporary relief to industrious labourers thrown out of employment by accident would be resisted. As he was of opinion, that the Poor-law commissioners either ought not to be continued or be placed under the strict and jealous surveillance of Parliament, he should support the motion of the hon. Member for Preston.

General *Johnson* was opposed to the bill, because, in his mind, it put the whole labouring class out of the law, and into the hands of the Poor-law commissioners. Petitions to a very great number had been presented to the House against the bill, and it was a remarkable circumstance that there were only two petitions with two signatures in its favour. The present measure had a tendency to keep up dissensions in the country, and if the Legislature wished to excite the deadly hatred of the working classes, all they need to do was to pass the bill under consideration. It was designated by the working classes throughout the country as the rich man's law against the poor. Out of every 100 of agricultural labourers or mechanics 99 would be found, he undertook to say, to entertain the greatest abhorrence of the existing law. Great stress had been laid on the bad administration of the old law; and it had been urged, that nothing could be so injurious as paying wages partly out of the rates. He admitted this, but to what extent had such a system prevailed? It existed in not more than five counties; and in the north, paying wages out of the rates was a thing unheard of. It was no reason, then, because the Poor-law had been previously badly administered in five counties, that the old constitutional system should be totally subverted, and an innovation introduced throughout England. Much was said about the uniformity established under the new law, but he denied, that any uniformity existed; for in some unions orders for out-door relief were issued, while in others the power to give such relief was withheld. He felt confident, that if Parliament persisted in imposing this law on the country, the results must be, that society would be disorganised, and one class of the community would be set against the other.

Mr. *Miles* complained of the waste of time occasioned by a discussion on the principle of the bill, after an overwhelming majority of the House had decided in its favour. If hon. Members wished to amend the bill, surely they did not go the right way to work, by moving that it be committed that day six months. This motion seemed to him quite as uncalled for as the recent amendment of the hon. Member for Finsbury for dividing the bill into two parts. When the New Poor-law was first introduced, it was generally admitted to be necessary to carry it into execution by the aid of a central controlling authority. It was thought to be impossible that the system could be conducted in any other way for a number of years. The only question, therefore, for consideration at the present moment was, whether the system could go on for five years, or any given period, deprived of the advantage of this controlling power? Payment of wages out of the rates was a very great evil under the old law, and was known under one name or another, in the very county in which the hon. Member who last spoke resided. No one could reflect on the state of the poor under the old system, without a feeling of pain. It was evident that their morals, habits, and dispositions, were deteriorated in proportion as the Poor-law was badly administered. Previous to the introduction of the present law, the agricultural population, in some of the counties, was on the very verge of an outbreak. Such a state of things required a caustic and constitutional remedy, and he contended, that the principle on which the New Poor-law was founded, was just the same as that which was previously acted upon in counties where the old law was best executed—namely, the workhouse test. What, indeed, was the principle of the Elizabethan law? By it the poor were divided into three classes: the first was composed of children whose parents were unable to support them, and for their apprenticeship, when arrived at a proper age, money was to be raised. The second class consisted of the able-bodied poor, who, though willing to work, were unable to find employment. It was provided that work should be prepared for these, and those who were acquainted with the nature of the work, which was specified for this purpose, would be aware that it constituted a most severe labour test. The third class was composed of the aged poor, who were to be differently treated, for to them direct money relief was to be given. Now, let the House call to mind how this principle had been departed from. The able-bodied poor had received relief in part payment of wages, and the amount of relief was made to depend on the number of their family. Sometimes they were set in gangs to work, but, being under no inspection, they remained in listless inactivity. In the workhouses no classification was established; the old, the young, the dissolute, and the unfortunate, were all huddled together. When the children were apprenticed, they were frequently assigned to persons who were unable to maintain their own offspring, and who looked to the parish premium solely as a means of eking out an existence. It was essential that something should be done to correct these abuses, and the question for the House of Commons to determine, after six years' experience of the bill was, what amendment of the law was necessary? Was a test of destitution necessary, and if so, how was that test to be regulated? Would they intrust magistrates, the board of guardians, or the Poor-law Commissioners, with the imposition of that test? If, in 1797, when the bread system was introduced into Berkshire, the magistrates were unable to resist the pressure of the labouring population, how could it be expected, in the present day, that that they would be able to oppose the demands of the rural and manufacturing population both combined? With respect to the board of guardians, the House was aware that the elected guardians consisted frequently of individuals engaged in a trade involved in temporary distress; and, therefore, if they possessed the power of ordering relief, the consequence would be, that they could scarcely deny it to any one. They could make no distinction between the good man and the dissolute, and the workhouse would cease to be a test of destitution. It was, therefore, necessary to have recourse to a central controlling power, totally distinct and apart from all local influences. The hon. Member then proceeded to observe, that the authority possessed by the commissioners was discreetly exercised by them, according to the circumstances of each case. In Nottingham, the workhouse became completely full in 1836. Another workhouse was hired, but the pressure continued, and it became apparent to the assistant-commissioner, that a class of persons who had been previously in a very respectable condition resorted, in consequence of the prevalence of manufactuing distress, to the parish funds for support. Did the commissioners fail in their duty then? No, They immediately established a distinction between between the pauper who had been on former occasions dependent on his parish, and those who were unexpectedly driven to the parish, from the stoppage of the manufactories. The regular pauper received his relief solely in the the workhouse; but the man who was distressed, from the causes he had just mentioned, received relief, partly in necessaries, and partly in money, and all that was demanded of him was, that labour which was required of every one who came upon the parish funds. In Leicester, great distress prevailed in 1836, or 1837. Under the old law, in that case, an order of removal would have removed such paupers as did not belong to the parish; but the Poor-law Commissioners had consented to the very best species of relief—they had actually allowed relief to be given to non-residents, with this sole reservation, that a relieving-officer should be employed. He only pointed out these examples, to show that the Poor-law Commissioners, as far as they knew, had acted with integrity and honesty, and, in his estimation, the report of the committee had been made with the greatest discrimination. He could not conceive that the time could arrive, when they could, by possibility, do without a central power; and, though it was necessary, yet he held it to be not constitutional; and, therefore, he wished that too long a continuance should not be given to it, but that it should be limited to five years instead of ten. He would just quote from the law itself, as to the power which boards of guardians had, in cases of emergency. By the 52d section of the Poor-law Amendment Act, the commissioners might fix a day when out-door relief should cease; and that overseers or guardians might depart from the rule in emergency, and that the commissioners should approve of this departure, if it were reported to them within ten days afterwards; and though money-relief might not be lawful, yet the guardians of the poor might determine, in cases of emergency, to give food, clothing, and lodging for fifteen days, without the commissioners having the power to interfere; and they, likewise, by their rules, determined that, with some exceptions, relief might be given to able-bodied paupers. He would point the attention of the House to page 24, article 1, in which eight exceptions to the general rule of out-door relief were specified; as when persons required relief on account of sudden and urgent necessity, or on account of any sickness, accident, or bodily or mental infirmity affecting themselves or their families, or for defraying the expenses, either wholly or in part, of a funeral in their families. Here were three cases where, notwithstanding the prohibitory law, the guardians had the right to take special circumstances into account, and if they pleased, to give relief, which otherwise would not be lawful. He thought it would have been better if the noble Lord had followed his own course, rather than adopted the clauses of individuals, several of which would be brought up, and probably carried. Where the noble Lord saw that any clauses would carry out the views of the committee, he hoped he would adopt them. At any rate, the noble Lord should have his cordial support against the motion for committing the bill on that day six months.

Mr. *Brotherton* said, his constituents were unanimous in their opposition to this bill; and they believed, that this system had a tendency to increase rather than to diminish the Poor-rates. Another reason for their opposition was, that this enactment was not suited to the manufacturing districts. He objected to putting the poor to the severe tests required by this act, and to throwing them on their own resources, while the landed interest had a law to protect them; they ought first to repeal the Corn-laws. He was not disposed to blame this law altogether for the state of the poor, because he could remember their condition under the old law. There had been many amendments made by this act, but the jealousy of the people at the power given to the Poor-law commissioners made them unwilling to receive it; but, if the power were vested in boards of guardians, much benefit might accrue from the act, If any amelioration of the law were proposed, he should think it his duty to support it, particularly if it enabled the poor to be relieved in a less objectionable way. In the manufacturing districts, where hundreds were thrown out of employment in an instant, the present mode of refusing out-door relief was most objectionable.

Sir *A. Dalrymple* said, that looking at the various clauses of the bill, and at the way in which they worked, he had felt it necessary to vote against it, because he felt that the general principle of the bill was to make the original Poor-law Amendment Act more strict. Having voted against the second reading of the present bill for these reasons, and having found himself in a minority, and the noble Lord having given way on several points, he should not oppose the bill going into committee, but should feel himself bound to support many of the amendments which had been proposed by every means in his power.

Mr. *Slaney* said, he had supported the original bill, and would not have done so if he had considered it in any way hostile to the poorer classes. His belief was, that this bill was absolutely necessary to their welfare. He merely spoke as to the principle of it, and not as to every clause of it. In almost every county on the south and east coasts the labourers had formerly had their wages made up out of the Poor-rates, and the services of labouring men were put up to auction. That was a system which had been maintained, not in one parish, but in several. If that were the case, was not the change which had taken place in the condition of the working classes of these counties to be considered as an improvement. He contended, that the labourers were much improved in condition by having their wages paid directly in money. The condition of the poor in the old workhouses was ill-attended to. The able-bodied dissolute woman, with her two or three bastard children, was there mixed up with the old and infirm woman of correct life. Now these classes were separated, and old persons were placed in situations where they could enjoy those decent comforts fitted for their age, and where they were separated from those who formerly, under the old system, used to tease and plague them. The able-bodied had the option whether they would work or not, and if they would there was sufficient employment found for them. But, above all, what was the beneficial change which had taken place in the condition of the infant poor? They were now separated from the contamination of bad example, they had the best instruction, and were enabled to go out as servants and apprentices. He thought these were reasons why they ought to finish the improvements they had begun. He thought the law would want some alteration; but, on the whole, there were such improvements in the bill that it would be rash to return to the old system. For these reasons, he should give his humble support to the committing of the bill; at the same time he should not pledge himself to support every clause in it.

Sir *Charles Douglas* rose amid cries of "Divide," and said it was not his intention to do more than explain the vote he had given on the second reading, and at the same time the reason why he should not support the amendment of his hon. Friend, the Member for Preston. The bill as it stood when he voted on the second reading, was not the same as the present, in one principle at least, and yet he should have voted for it, but for the end of the speech of the noble Lord (Lord J. Russell) on that occasion which convinced him (Sir C. Douglas), that the continuance of the commissioners for ten years, was the main principle the Government wished to be enforced. He would quote from that speech to prove such was the case. [*Loud cries of* "*Order.*"] He would bow to the Chair; but he must state, that his vote against the second reading was given, because he recollected "that a noble Lord had somewere declared, that with respect to the suggestion of his right hon. Friend, the hon. Member for Tamworth, to limit the duration of the commission to five years, he should be extremely sorry to see it adopted." The noble Lord had been forced to abandon the declared intentions of the Government, and they incurred great responsibility by having shown to the country, that as a Government they desired the continuance of the commission for ten years; against that as a principle he had voted. The suggestion of his right hon. Friend having been adopted by proposing five years to the consideration of the House, which, according to the hon. Member for Finsbury (Mr. Wakley), would give great satisfaction to the country. He (Sir C.

Douglas) was desirous of going into committee, and he should there endeavour to make such amendments in the bill as might be necessary.

Mr. *Wakley* said, that, if his impression were correct, the report of the commissioners contained a number of recommendations having a tendency to soften the severity of the bill. Not one of those recommendations, however, was embodied in the bill now before the House. The committee had condemned the size of the unions. They had pronounced the medical districts too large. They had condemned the system of tenders with reference to medical contracts. How, then, could the hon. Member for Somersetshire consistently say that it was a waste of time to discuss the question, and that they should rush at once to the amendment of the bill? It was not fit for amendment. For, was any part of the bill approved of by the people? True, a clause had been introduced by the noble Lord (he alluded to clause A) with reference to local acts. He was afraid that the noble Lord was not altogether pleased with the Members for the metropolitan districts, they were rather unwelcome visitors to the noble Lord. The demagogues were a source of annoyance to him. He was glad of it. He hoped that the noble Lord might continue to suffer these annoyances till a change took place with reference to the existing law. The noble Lord had said, that it was argued at the time of the Reform Bill that one effect of that measure would be to introduce mischievous demagogues into that House as the representatives of the metropolitan districts. Whether such had been the effect or not he could not say. The noble Lord, perhaps, could. He much feared that the noble Lord's opinion of them had been only too true, for the noble Lord had had their support ever since they had been in that House. He could assure the noble Lord that no term which the noble Lord could apply to him as one of them, should prevent him from discharging what he thought to be his duty in that House. The metropolis, however, had shown no such vulgar taste. The effect of the reform of that House had been that the metropolis had returned one noble Lord. The noble Lord had first rattled through the question with reference to destitution, and had proclaimed from his ministerial seat in that House that no distinction should be made between different classes of paupers. Destitution, according to the noble Lord, was to be the test whether relief was to be granted or not. The character of the party applying for relief was to form no ingredient with reference to the treatment of paupers. [*Hear, hear, from the Ministerial benches.*] Oh! yes, he knew he should have "hear, hear," from that side. He thought that those hon. Gentlemen on his side of the House were mistaken in their views on this question. They might entertain the same opinion of him. The events and transactions of a few short years would prove whether it was a judicious policy for the Gentlemen of England to legislate in that House in such a manner as to proclaim to their poorer brethren that when, under the pressure of want, they applied for relief, their character was not to be taken into account with reference to the amount which they should be allowed to receive. Under the statute of Elizabeth a far different system prevailed, until the magistrates established the roundsman system, and the system of head money. That system was due to the legislation of that House, and the conduct of the magistrates. And how those magistrates been repaid? Had they been punished? Had they been treated with contempt? Had they been visited with odium? Quite the reverse. In return for the mischiefs which they had caused, they had been made *ex officio* guardians of unions. Who had thus rewarded them? Who but the present Administration? This was the work of the noble Lord and his colleagues, and not of mischievous demagogues envenoming the spirit of the people. But the noble Lord had that night appeared in the character of a demagogue himself. What was it that the noble Lord had said to the working man? "Go, and apply for relief, and if you have not competent wages —insist on entering the workhouse—demand admission — throw yourselves into the house." Was the noble Lord aware if that advice had been followed? He (Mr. Wakley) would caution the people against following the noble Lord's advice. They had once followed the advice of the noble Lord, given in the speech which he made at Liverpool, and what was the result? Why that 500 were now cast into cells, in which they had full leisure to reflect on the advantages which they had derived from it. They had been told to meet and to agitate. They did so. They did meet; they did agitate; and the poor unfortunate fellows had now full time to reflect on their past agitation in perfect quiescence. He, however, remembered something else more potent, more pungent to his mind, which thrilled the very blood which flowed in his veins. He remembered the case of some harmless agricultural labourers living in an English village in the year 1834, who, having received notice that their wages were to be lowered from 7*s.* a-week to 6*s.*, entered into what was called a trades' combination for the purpose of protecting themselves against wrong. Better men never lived. It was known and acknowledged, that their reputation was without speck or blemish. They thought that by so doing they were not acting contrary to law, but unfortunately they took an oath of secrecy, forbidden under the 37th George 3rd, an act of Parliament not known at the time by the Attorney-general or any other of the law-officers of the Crown. In consequence of that oath, and the combination into which they had entered in order to protect themselves, they were tried at Dorchester, and the result of the trial was, that they were sentenced to transportation for seven years. The expedition with which they were hurried from the shores of England, to the scene of their banishment was quite remarkable. That, then, was the way in which those labourers had been treated. That was the reward which they received for striving to make themselves that independent race of men which the noble Lord was so desirous of seeing. What happened in that case? One woman had her husband transported, another her eldest son, a third her brothers. Was that, he would ask, the treatment which those who had struggled for independence ought to have received? He gave the noble Lord full credit for aiming at nothing else than the good of his country—no doubt the noble Lord believed, that the passing of that law would be a benefit to the nation; but the noble Lord erred in supposing that a hungry starving man, whose children were crying for bread, would be in a condition to reason calmly on the matter, in imagining that a man going home and seeing his children pining from want before him, destitute of the quantity of food necessary to sustain life, would be able to enter into a calm conversation with his wife, and reflect with tranquillity on the breaking up of his cottage home, on the necessity of forsaking his garden, and all he held dear, to throw himself into the union workhouse. What would be the treatment which he would get there—separated from his wife and children, clad in a gaol dress, employed in the miserable occupation of picking oakum from morning till night, stigmatized as a being living on charity. Did the noble Lord think that this was the man to realise his idea of an independent English labourer? Or did he not rather think, that such a man would not have recourse to this until he was driven to the last extremity, till he saw his family on the very brink of the grave? The hon. Member for Somersetshire had stated, that the guardians were, for the most part, the employers of the poor—that was the truth. These guardians sitting at the board might say, "We will agree to give 7*s.* a-week for wages." One guardian might say, that sum was not enough, as times go; another might answer, that it was quite enough; but then, the other might urge, applications would be made to come into the poor-house. "Very true," answers the first, "but they will not stay there;" and so they agree to give no higher wages; these wages must needs be accepted, because if they were not, nothing was left but the test—test, did he say? It was not a test—rather let him call it a torture. That was the only word, for a torture must it prove to every poor man who wished to do his duty to his family. Reflecting on these things, he for one, in the spirit of perfect sincerity, now declared, that should it be the disposition of the House that night to vote for the commitment of the bill of the noble Lord, rejecting the amendment proposed by the hon. Gentleman the Member for Preston, he would concur as sincerely, and heartily, as any man in that House in the endeavour to make it a good law; and he appealed to every Member who was so placed as to command a view of the operation of the law to adopt the same course. If the noble Lord would lend a willing ear to the observations offered by the various Members having an opportunity of seeing the law in action—if the noble Lord would listen to their suggestions, and would consent to take some power from the commissioners, he did not despair of obtaining ultimately a measure something like satisfactory to the people.

Mr. *Fitzroy* having voted against the second reading of the bill now under discussion, thought it incumbent on him to state briefly the reason which induced him now to vote for sending the bill into committee. He had voted against the second reading, because he thought the measure unjust, cruel, and unnatural. His opinion remained unchanged. He still thought it liable to the three objections which he had then stated, but he was of opinion that by allowing it to go into committee he might be instrumental in modifying its more stringent clauses. He hoped to see the central power of the commissioners limited from five years to two. Many amendments were proposed, some of which he looked upon as most valuable, particularly the one proposed by the hon. Gentleman the Member for East Sussex, namely, the substitution of the "labour test" for the "in-door test." Feeling, therefore, that by voting for the amendment, "that the bill be committed this day six months," he would be, perhaps, defeating the enactment of a measure which might be the means of modifying the hardships and cruelties of the existing syetem, he should, however inconsistent it might appear, vote that the bill go into committee.

The House divided on the original question, that the House will resolve itself into a committee. Ayes 217; Noes 51; Majority 196.

List of the AYES.

Abercromby, hn. G. R.
Acland, Sir T. D.
Acland, T. D.
A'Court, Captain
Adam, Admiral
Alston, R.
Antrobus, E.
Ashley, Lord
Bailey, J.
Bailey, J. jun.
Baldwin, C. B.
Baring, rt. hon. F. T.
Barnard, E. G.
Bentinck, Lord G.
Berkeley, hon. H.
Berkeley, hon. C.
Bernal, R.
Bethell, R.
Bewes, T.
Blake, W. J.
Bodkin, J. J.
Botfield, B.
Bowes, J.
Brabazon, Lord
Bramston, T. W.
Briscoe, J. I.
Broadley, H.
Brownrigg, S.
Bruges, W. H. L.
Buck, L. W.
Buller, E.
Buller, Sir J. Y.
Burr, H.
Burroughes, H. N.
Busfeild, W.
Byng, G.
Callaghan, D.
Campbell, Sir H.
Campbell, Sir J.
Canning, rt. hn. Sir S.
Cantilupe, Viscount
Carew, hon. R. S.
Cavendish, hon. C.
Cavendish, hon. G. H.
Chalmers, P.
Chute, W. L. W.
Clay, W.
Clerk, Sir G.
Clive, hon. R. H.
Codrington, C. W.
Collier, J.
Compton, H. C.
Cowper, hon. W. F.
Craig, W. G.
Crawford, W.
Crewe, Sir G.
Dalmeny, Lord
Dalrymple, Sir A.
Darby, G.
Denison, W. J.
De Horsey, S. H.
Divett, E.
Douglas, Sir C. E.
Duff, J.
Dugdale, W. S.
Du Pre, G.
East, J. B.
Eastnor, Viscount
Egerton, Lord F.
Eliot, Lord
Ellis, W.
Evans, G.
Evans, W.
Farnham, E. B.
Fellowes, E.
Filmer, Sir E.
Fitzalan, Lord
Fitzroy, Lord C.
Fitzroy, hon. H.
Fleming, J.
Fox, S. L.
Freemantle, Sir T.
Gisborne, T.
Gladstone, W. E.
Gladstone, J. N.
Gordon, R.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Grey, rt. hon. Sir G.
Grimston, Viscount
Grosvenor, Lord R.
Grote, G.
Hamilton, Lord C.
Handley, H.
Harcourt, G. S.
Hardinge, rt. hn. Sir H,
Hawes, B.
Hawkins, J. H.
Hayes, Sir E.
Hayter, W. G.
Heathcote, Sir W.
Hector, C. J.
Heneage, E.
Henniker, Lord
Herbert, hon. S.
Hill, Lord A. M. C.
Hobhouse, T. B.
Hollond, R.
Holmes, hon. W. A'Court
Hope, G. W.
Horsman, E.
Howard, hn. E. G. G.
Howard, F. J.
Howard, P. H.
Howard, hn. C. W. G.
Howick, Viscount
Hume, J.
Hutt, W.
Inglis, Sir R. H.
James, W.
Jermyn, Earl
Jervis, S.
Johnstone, H.
Jones, J.
Kemble, H.
Knatchbull, rt. hn. Sir E.
Knight, H. G.
Labouchere, rt. hn. H.
Langdale, hon. C.
Lascelles, hon. W. S.
Lemon, Sir C.
Lennox, Lord A.
Loch, J.
Lushington, C.
Lushington, rt. hn. S.
Macaulay, rt. hn. T. B.
Marshall, W.
Marsland, H.
Martin, J.
Melgund, Viscount
Miles, W.
Miles, P. W. S.
Milnes, R. M.
Molesworth, Sir W.
Mordaunt, Sir J.
Morgan, O.
Morpeth, Viscount
Morrison, J.
Muskett, G. A.
Norreys, Lord
Norreys, Sir D. J.
O'Brien, W. S.
O'Connell, M. J.
Ord, W.
Ossulston, Lord
Packe, C. W.
Paget, F.
Pakington, J. S.
Palmer, R.
Palmerston, Viscount
Parker, J.
Parnell, rt. hn. Sir H.
Patten, J. W.
Pattison, J.
Pease, J.
Peel, rt. hon. Sir R.
Philips, M.
Philips, G. R.
Pigot, rt. hon. D.
Plumptre, J. P.
Ponsonby, C. F. A. C.
Powell, Colonel
Praed, W. T.
Price, Sir R.
Protheroe, E.
Pusey, P.
Rawdon, Col. J. D.
Rice, E. R.
Rich, H.
Rickford, W.
Roche, W.
Rolleston, L.

Rose, rt. hon. Sir G.
Round, C. G.
Rundle, J.
Rushbrooke, Colonel
Russell, Lord J.
Rutherfurd, rt. hn. A.
Salwey, Colonel
Sanderson, R.
Sandon, Viscount
Scarlett, hon. J. Y.
Scrope, G. P.
Seymour, Lord
Shaw, rt. hon. F.
Sheil, rt. hon. R. L.
Sheppard, T.
Shirley, E. J.
Slaney, R. A.
Smith, J. A.
Smith, A.
Smith, R. V.
Smyth, Sir G. H.
Somers, J. P.
Somerset, Lord G.
Somerville, Sir W. M.
Sotheron, T. E.
Stansfield, W. R. C.
Staunton, Sir G. T.
Stewart, J.
Stuart, Lord J.
Stuart, W. V.
Stock, Mr. Serjeant
Strickland, Sir G.
Strutt, E.
Teignmouth, Lord
Thornely, T.
Townley, R. G.
Trotter, J.
Troubridge, Sir E. T.
Tufnell, H.
Turner, E.
Tyrrell, Sir J. T.
Vere, Sir C. B.
Verney, Sir H.
Villiers, hon. C. P.
Villiers, Viscount
Vivian, J. H.
Vivian, rt. hn. Sir R. H.
Wall, C. B.
Warburton, H
Ward, H. G.
Welby, G. E.
White, A.
Wilbraham, G.
Winnington, Sir T. E.
Winnington, H. J.
Wodehouse, E.
Wood, C.
Wood, Colonel
Wood, G. W.
Wood, Colonel T.
Wood, B.
Worsley, Lord
Wynn, rt. hon. C. W.
Wyse, T.
Yates, J. A.

TELLERS.

Stanley, hon. E. J.
Maule, hon. F.

List of the NOES.

Archdall, M.
Attwood, W.
Attwood, M.
Baillie, Colonel
Bell, M.
Blackstone, W. S.
Bradshaw, J.
Broadwood, H.
Brotherton, J.
Bryan, G.
Collins, W.
Copeland, Mr. Ald.
Dick, Q.
Duncombe, T.
Duncombe, hon. W.
Duncombe, hon. A.
Egerton, W. T.
Evans, Sir De Lacy
Fielden, J.
Fector, J. M.
Fleetwood, Sir P. H.
Gore, O. J. R.
Halford, H.
Hall, Sir B.
Hinde, J. H.
Hindley, C.
Hodges, T. L.
Hodgson, F.
Hodgson, R.
Houldsworth, T.
Hurt, F.
Irton, S.
James, Sir W.
Johnson, General
Leader, J. T.
Marton, G.
Miller, W. H.
Palmer, G.
Pechell, Captain
Planta, rt. hon. J.
Polhill, F.
Richards, R.
Scholefield, J.
Sibthorp, Colonel
Stanley, E.
Thompson, Mr. Ald.
Wakley, T.
Walker, R.
Wilbraham, hon. B.
Williams, T. P.
Williams, W.

TELLERS.

Parker, R.
Grimsditch, T.

House in committee.

On the first clause,

Sir *E. Knatchbull* moved that it be postponed. In voting for the second reading of the bill and for going into committee he did not mean to give his approval of what the bill contained, concurring as he did with the hon. Member for Finsbury, that such amendments should be made as would render it more satisfactory to the country. He thought it would be convenient to postpone this clause for the present, and for this plain reason, that he was not prepared to say how long the Poor-law Commissioners ought to be continued until he had ascertained what their powers were to be. He moved the postponement of the clause upon two grounds; first, the mode and manner in which ths commissioners had exercised their authority up to the present period; and, secondly, what powers were to be given to them hereafter. If he were disposed to cavil at the bill, it was very probable he might find a sufficiency of justifying grounds for doing so in the course which the commissioners had adopted; but while he should abstain from travelling through that course, he must observe that there were one or two points upon which he conceived some explanation ought to be given before they came to a decision upon the subject of the present clause. One of those had been referred to on a former evening by the hon. Member for Devonshire, and related to what he naturally termed as very extraordinary conduct on the part of the commissioners. In that county a public meeting had taken place in opposition to the bill then before the House, and was attended by a magistrate of the county—a circumstance which it appeared had given dissatisfaction to the resident commissioner, who had taken upon himself, by what authority he (Sir E. Knatchbull) did not know, to summon that gentleman to give an account of the opinions he had expressed at a public meeting of his own county. He did not know if that course had been sanctioned by the Poor-law Commissioners, but he felt, that as the circumstance was a public one, there ought to be a public explanation given of it. He should also observe, that an inquiry was now going on respecting certain proceedings of the commissioners in another part of the country, and involving serious charges against them; and until that inquiry was closed, and until the explanation he had referred to was given, he would not be prepared to say how long the commissioners ought to be continued.

He might go through the whole of the clauses of this bill, and find fault with them, but he did not think he should be justified in occupying the time of the committee by so doing. The noble Lord had certainly managed the matter with great skill and adroitness. He at first proposed ten years as the period of continuance for the commissioners, and appeared pertinaciously to adhere to that proposition, although he (Sir E. Knatchbull) believed that the noble Lord had no notion of carrying the point. The noble Lord knew that it was one which would be well discussed, and upon which there would exist differences of opinion, and, therefore, went upon the principle of asking ten in order that he might secure five, in case that number should be suggested by any hon. Member on that (the Opposition) side of the House. His right hon. Friend the Member for Tamworth had intimated on the first night the question was debated, that five would be better than ten, but he did not understand him to say that five was the precise term of years he would wish to see under this bill. He thought it would be infinitely better to postpone the first clause until they had gone through the other clauses, when they would be in a much better position to decide that point, which was about the most important in the bill.

Colonel *Sibthorp* asked why they had not been told what the number of assistant-commissioners was to be. The old number was twenty-one, but he would recommend the noble Lord to try the lucky number of five. He saw so much throughout the bill that required alteration that he would cordially second his right hon. Friend's motion for postponing the clause, and, if he moved the postponement of the next clause, also, he would support him with equal pleasure.

Lord *J. Russell* said, that his wish was, as he had already stated, that the powers of the commissioners should be continued for ten years; for he still thought, although he undeservedly got credit for thinking otherwise, that ten years would be a better period of time. But, it having become matter of considerable doubt, that he should have succeeded in carrying that period, and feeling that it would have been rather hard, that those who were in the habit of voting with him should have been subjected to the odium of a defeat, he yielded to what he thought would have been the probable sense of the House upon the subject. He could not agree to the proposal of the right hon. Gentleman opposite. He could not see how they could postpone this clause and consistently proceed with the rest of the bill. If, for instance, they were to provide that the commissioners should have certain powers respecting the dissolution and alteration of unions, and respecting the boards of management, and if, after deciding upon, and discussing those and other matters contained in the subsequent clauses, the House should be of opinion, that the commissioners should not continue after the 31st of December next, the time of the House wonld have been uselessly and unnecessarlly occupied. Therefore, he did think, that without going into the case of Mr Gilbert, of Devonshire, or awaiting the result of the inquiry going on in the House of Lords, who might not come to any decision upon the subject for a long time, they should proceed to the consideration of the present clause. Everybody knew pretty well what had been the conduct of the commissioners, and could have little difficulty in saying whether they ought to be continued or not. He proposed, that they should be continued for five years longer. If it seemed to the right hon. Gentleman opposite that two or three years would be a fitter period, let him propose an alteration to that effect; but he felt it to be expedient that they should first decide what the period of continuance was to be, because if it were agreed that they ought not to be continued, then would the House be saved both time and trouble in considering the matters to which he had alluded. He should oppose the postponement of the clause.

Sir *R. Peel* applauded the discretion of the noble Lord in declining to drag his friends through the odium of supporting him unless he was perfectly sure of carrying his original proposition. For himself, he must say he had not suggested five years as the term for the continuance of the commission merely because that was half of what the noble Lord proposed, but because he considered it a reasonable proposition, which the House might, therefore, fairly infer that he would still support. He very much doubted whether five was not better than a shorter period. In the first place, he did not think there would be any very great advantage in annual or frequent discussion of this point. Then, supposing allegations of abuse on the part of the commissioners, he very much doubted whether the House would not be perfectly ready to inquire into such a case, considering the period which might have to elapse before the expiration of their powers. Supposing the object to be to get rid of the commission, he very much doubted whether there was not a greater chance of gaining that object, supposing there was no necessity for continuing them, by adopting the term of five years rather than two. He saw quite as good a chance of dispensing with the powers of the commissioners by protracting the period of their existence for five years, as if there were an annual proposal for their renewal. If he should be convinced at the expiration of five years that no advantage would be gained by continuing a central board, he should then decidedly vote for their dismissal; but if on the lapse of five years he thought their existence still necessary—if he found, for instance, that boards of guardians, who, as the hon. Member for Finsbury stated, were the chief employers of the poor, were disposed to act in the manner described, applying not the test, but the torture, in order to induce the poor to accept lower wages, he should begin to doubt whether it would be quite politic to permit those guardians to act without some central authority. But, at the same time, he should watch the exercise of the powers vested in the commissioners most narrowly; whether the period were one or five years. He should consider the large powers intrusted to them; and, having devolved those powers, the greater they were, the more jealousy must Parliament exercise with respect to their application, and the greater the readiness with which they must listen to any allegations of abuse. While he consented to the prolonged duration of the commission for five years, he must say that he wished the commissioners would watch the expressions they made use of with a little more circumspection. He thought that with the best intentions, there, was occasionally a harshness displayed in the vindication of certain principles, which might be avoided consistently with the maintenance of the law. and the avoidance of which would tend to fortify the powers of the commissioners. To give an illustration of this he would take, for instance, an official circular, published by the Poor-law commissioners, one of those public documents directed by the board, to be printed chiefly for the use of the guardians. In one of those papers he found the following expressions:—

> "One principal object of a compulsory provision, for the relief of destitution, is the prevention of almsgiving."

Why, he heard the noble Lord (J. Russell) himself state, that the Poor-law would completely fail in effect if the affluent withheld their alms. That was perfectly true; and he should abominate the Poor-law if he thought it relieved the rich from the duty of almsgiving. He was perfectly certain the Poor-law would fail if the affluent, relying upon its provisions alone, however improved the system of administration might be, felt that the moral obligation on them to attend to the wants of their poorer neighbours was thereby extinguished. It was no such thing. In point of fact, the relief of the poor must mainly depend on the rich and affluent; and, therefore, it was unwise in the commissioners to issue a public notice, announcing that "a principal object of a compulsory provision for the relief of destitution was the prevention of almsgiving." One object might be the prevention of mendicancy or vagrancy, certainly not of almsgiving. Good God, it was a complete desecration of the precepts of the Divine law—"Give alms to the poor," "Turn not your face from the poor man." He only mentioned this as an illustration of the great advantage and wisdom of weighing the expressions which might be used, so as not to get up an impression of unnecessary hardship. Indeed, he did think with respect to the public documents put forth by the commissioners independently of the use of particular expressions, their general tone and character might be improved, consistently with the maintenance of the principles of the law. He would not enter further into the matter at present. The House and the noble Lord had a fair right to infer, when he suggested five years, that he would be prepared cordially to support that period. He frankly owned it was equally competent for them, after adopting that term, to consider whether they should afterwards modify the clauses on account of the duration of their powers. He hoped his right hon Friend would not take the sense of the House upon the postponement of the first clause. He thought they ought, in the first instance, to decide the question as to the continuance and duration of the commission before they proceeded to consider the clauses prescribing their powers.

Sir *E. Knatchbull* wished to define the powers of the commissioners before he was called upon to fix the term of their continuance. He did not know what shape the bill might assume when the other clauses should be disposed of. It might be essentially different from what it was at present, and the period for which he should vote must therefore very much depend on the character of the powers vested in the commissioners.

Lord *G. Somerset* thought it would be very inconvenient to legislate what the commissioners should do until it was decided whether they were to be continued or not. He should certainly vote for the continuance of the commission for five years; but he should reserve to himself the full right at a future stage of the bill, probably on the report, unless the clauses were so modified as to meet his approbation, to limit the duration of the commission as much as he should think proper.

Sir *E. Knatchbull*, reserving to himself the same power of proposing, on the report, a reduced term of years, or, if the bill were not very much modified, of opposing it *in toto* upon the third reading, declined to press his motion for the postponement of the clause.

Colonel *Sibthorp* expressed his deep regret that his right hon. Friend would not divide upon this question. If the bill was to be continued for five years, the House was at least entitled to have an answer to the question he put, namely, what was to be the number of assistant-commissioners and other officers.

Lord *J. Russell* said, he had stated on a former occasion that the number of assistant-commissioners in England and Wales should be reduced to twelve.

Colonel *Sibthorp* suggested that they might at least be reduced to the noble Lord's lucky number "five."

The first clause was then put.

Mr. *B. Wood* moved a proviso, with the view of reducing the number of assistant-commissioners to five, and that they should continue only for two years, to leave out the words "every assistant commissioner." The number of parishes to be unionized were only 799, of which the population amounted to but 2,000,000, and from which, at least, 1,000,000 should be deducted, as representing large parishes in the metropolis and other districts, which were not to be formed into unions at all. A much smaller number than twelve assistant-commissioners would be more than sufficient for every purpose. He complained that the assistant-commissioners were often employed in matters with which they had no concern, and particularly alluded to the recent investigations which had taken place into the circumstances of the death of Elizabeth Wyse, who died of starvation in Kensington, the jury strongly condemning the conduct of the relieving officer and the surgeon of the union, but neither of the two assistant-commissioners (Sir E. Head and Dr. Kay), who both were employed in the matter, had adopted any step or inflicted any punishment on the offenders. He maintained that the regularly constituted authorities of the country were the proper parties to inquire into such cases. There were many unions which had not been visited by the assistant-commissioners for eighteen months, and he thought the expense might as well be spared. At the same time, he must say, he was not instigated to make this proposition by any opposition to the principle of the bill. He was favourable to the continuance of the commission for five years. The hon. Member concluded by moving his amendment.

Lord *J. Russell* opposed the amendment. The assistant-commissioners were exceedingly useful in attending boards and explaining the objects of the law and its general operation with regard to relief. If the boards of guardians were permanent, and had other opportunities of learning their duties, a smaller number of assistant-commissioners would be sufficient, but in order to enforce something like uniformity of system, twelve was still necessary.

Mr. *Darby* complained, not that the assistant-commissioners had not visited particular unions, but that their visits were made when they were not necessary. If the assistant-commissioners confined themselves to their proper duties, fewer would be wanted.

Mr. *G. Wood* said, that in the unions with which he was acquainted, the assistant-commissioners were not able to visit more than once in four or five months. But then they were kept away by pressure of business elsewhere. He thought that it was sought to carry the reduction too far.

Lord *G. Somerset* had presented a petition to-night from the guardians of a union who stated that they got on remarkably well, so long as the assistant-commissioners kept away from them. He was glad to hear that the noble Lord intended to reduce the number of assistant-commissioners. He wished, however, to know whether the noble Lord would have any objection to insert in the present bill the *maximum* number of assistant-commissioners to be hereafter appointed. By the present act of Parliament nine assistant-commissioners were appointed, and as many more as might be deemed necessary by the Secretary of State for the Home Department. Would the noble Lord give the committee legislative assurance that the *maximum* number of assistant-commissioners should not hereafter exceed twelve?

Mr. *R. Palmer* said, that in the course of last year he had received petitions from several boards of guardians in the county (Berkshire) which he had the honour to represent, and the object of all those petitions had been to state that there was no necessity for so many assistant-commissioners, as the duties which they had to perform were completely works of supererogation. The assistant-commissioners could hardly have at present as much duty to perform as they had when the new law was in its infancy. The object of Government in appointing them originally was to carry out the bill by dividing the country into unions. Now that the unions, or at least the far greater portion of the unions, were formed, their duties must generally cease and determine. Their duties must be "few and far between" in those parts of the country where the unions were formed. He was therefore anxious for a reduction of their numbers, though he did not know any reason for fixing their number at five, unless it were that it was one for each of the years that the Poor-law commission was to last. Whatever opinion he might entertain upon the policy of making the Poor-law commissioners permanent—and he was by no means favourably inclined to such policy—he could see no reason for making the assistant commissioners a permanent body. He thought, that the House ought to have an assurance, that the assistant-commissioners would not exceed 12.

Lord *J. Russell* said, that what he had proposed was this—that in future the assistant commissioners should be twelve. The noble Lord, the Member for Monmouthshire had asked, whether he had any objection to insert a clause in the bill providing that the number of assistant-commissioners should not exceed twelve. That would be a limitation to which he was not at present prepared to accede. He had no objection to state, that there would not be more than twelve assistant-commissioners appointed; but he would not fix their number at that limit in the bill, for he could not make such a limitation in the English bill without inserting a similar limitation in the Irish bill. Now, as the system of unions and of workhouses was quite new in Ireland, he could not tell how many assistant-commissioners might be wanted to carry the bill into effect in that country.

Mr. *Hume* suggested, that the committee should leave the number of assistant-commissioners at twelve, as the noble Lord suggested. As their salaries were voted annually by the House, the House would always retain in its own hands the opportunity of fixing their numbers.

Mr. *S. Herbert* felt inclined to limit the duration of the commission to a shorter period than five years, but at the same time was not disposed to diminish the number of assistant-commissioners. He anticipated, that the commission would not terminate at the end of five years, but it would be wholesome for the commissioners to know that it was not intended that their power should be permanent. Without meaning any imputation on their honour and integrity, he must say, that the commissioners were liable to commit errors in judgment, and particularly this error, that, instead of punishing any maladministration of the law, they endeavoured to stifle all inquiry into it, under the idea, that the publicity given to such mal-administration would injure the system in public opinon. Now, in a country like this, inquiry could not be stifled. It would therefore be more useful for them to show that, wherever abuses were discovered in the administration of the law, they were resolved to check and punish them. He thought, that it would be very useful, if once a year an opportunty were afforded to the House of making observations upon their conduct. They might thus receive advice like that which the right hon. Member for Tamworth had that night administered to them —advice which would render them more careful in the administration of powers which, if they were not counterbalanced by the necessity of the case, would certaily be objectionable. He should not vote for the present amendment, but should reserve himself for the bringing up the report, when he would give his vote respecting the duration of the powers of the commissioners in such a manner as the alterations to be made in the bill might hereafter require.

Mr. *B. Wood*, amid great confusion, said, that after the observations which he had just heard, he would not put the committee to the trouble of dividing, but would withdraw his amendment.

Colonel *Sibthorp* said, that if such a course were adopted he should move, that the Chairman report progress and ask leave to sit again. Two amendments had been proposed and then withdrawn, although the movers of both had threatened to divide the Committee upon them. This was converting the business of the House of Commons into a mere farce. He objected not only to appointing twelve assistant commissioners, but also to appointing any assistant commissioners at all.

The committee divided on the question, that the words "every assistant-commissioner," proposed to be left out, stand part of the bill:—Ayes 191; Noes 46: Majority 145.

List of the AYES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Captain
Adam, Admiral
Alston, R.
Antrobus, E.
Bailey, J., jun.
Baring, rt. hon. F. T.
Bentinck, Lord G.
Berkeley, hon. C.
Bethell, R.
Bewes, T.
Blake, W. J.
Boldero, H. G.
Bolling, W.
Botfield, B.
Bowes, J.
Brabazon, Lord
Bramston, T. W.
Broadley, H.
Brotherton, J.
Brownrigg, S.
Bruce, C. L. C.
Bruges, W. H. L.
Buller, E.
Buller, Sir J. Y.
Bulwer, Sir L.
Burroughes, H. N.
Busfeild, W.
Campbell, Sir J.
Canning, rt. hn. Sir S.
Cantilupe, Viscount
Cavendish, hon. C.
Cavendish, hn. G. H.
Caley, E. S.
Chalmers, P.
Chichester, Sir B.
Cholmondeley, hn. H.
Chute, W. L. W.
Clay, W.
Clerk, Sir G.
Cochrane, Sir T. J.
Collier, J.
Compton, H, C.
Cowper, hon. W. F,
Craig, W. G.
Darby, G.
Divett, E.
Dundas, C. W. D.
Du Pre, G.
Egerton, W. T.
Eliot, Lord
Elliot, hon. J. E.
Evans, W.
Ewart, W.
Farnham, E. B.
Filmer, Sir E.
Fitzalan, Lord
Fitzroy, hon. H.
Fleming, J.
Fremantle, Sir T.
Gisborne, T.
Gladstone, W. E.
Glynne, Sir S.
Gordon, R.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Grey, rt. hon. Sir G.
Grote, G
Hindley, C.
Harcourt, G. S.
Harland, W. C.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Herbert, hon. S.
Hill, Lord A. M. C
Handley, H.
Hobhouse, T. B.
Holmes, hon. W. A. C.
Hope, hon. C.
Horsman, E.
Howard, hon. E. G. G.
Howard, F. J.
Howard, P. H.
Howard, Sir R.
Howard, hn. C. W. G.
Howick, Viscount
Hume, J.
Hurt, F.
Hutt, W.
Hutton, R.
Inglis, Sir R. H.
Irton, S.
James, W.
Kemble, H.
Labouchere, rt. hn. H.
Langdale, hon. C.
Lascelles, hon. W. S.
Law, hon. C. E.
Loch, J.
Lushington, rt. hn. S.
Macaulay, rt. hn. T. B.
Maclean. D.
Marshall, W.
Martin, J.
Maunsell, T. P.
Melgund, Viscount
Miles, W.
Miles, P. W. S.
Mordaunt, Sir J.
Morgan, O.
Morpeth, Viscount
Morris, D.
Neeld, J.
O'Connell, M. J.
Paget, F.
Pakington, J. S.
Palmer, R.
Palmer, G.
Palmerston, Viscount
Parnell, rt. hn. Sir H.
Pease, J.
Peel, rt. hon. Sir R.
Philips, G. R.
Pigot, rt. hon. D.
Plumptre, J. P.
Ponsonby, C. F. A. C
Powell, Colonel
Price, Sir R,
Protheroe, E.
Pusey, P.
Rawdon, Col. J. D.
Rice, hon. E. R.
Richards, R.
Rickford, W.
Roche, W.
Roleston, L.
Rose, rt. hon. Sir G.
Round, C. G.
Rundle, J.
Rushbrooke, Colonel
Russell, Lord J.
Salwey, Colonel
Sanderson, R.
Sandon, Viscount
Seymour, Lord
Shaw, rt. hon. F.
Sheppard, T.
Slaney. R, A.
Smith, R. V.
Smythe, hon. G.
Somerset, Lord G.
Somerville, Sir W. M.
Stanley, hn. E. J.
Stansfield, W. R. C.
Steuart, R.
Stewart, J.
Stuart, Lord J.
Stock, Mr. Serjeant
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Tancred, H. W.
Thornely, T.
Townley, R. G.
Trotter, J.
Troubridge, Sir E. T.
Tufnell, H.
Tyrell, Sir J. T.
Verner, Colonel
Vivian, J. H.
Vivian, rt. hn. Sir R. H.
Walker, R.
Warburton, H.
Welby, G. E.
Wilbraham, G.
Wilbraham, hon. B.
Wilmot, Sir J. E.
Winnington, Sir T. E.
Winnington, H. J.
Wodehouse, E.
Wood, C.

Wood, Colonel
Wood, G. W.
Wood, Colonel T.
Wood, B.
Wrightson, W. B.
Wyse, T.
Young, J.

TELLERS.

Maule, hon. F.
Parker, J.

List of the Noes.

Archdall, M.
Attwood, W.
Bailey, J.
Baillie, Colonel
Baldwin, C. B.
Blackstone, W. S.
Broadwood, H.
Brocklehurst, J.
Buck, L. W.
Codrington, C. W.
Collins, W.
Copeland, Mr. Ald.
D'Israeli, B,
Douglas, Sir C. E.
Duncombe, T.
Duncombe, hon. W.
Duncombe, hon. A.
Easthope, J.
Ellis, W.
Evans, Sir De L.
Feilden, W.
Gore, O. J. R.
Grant, Sir A. C.
Grimsditch, T.
Helford, H.
Hawkes, T.
Henniker, Lord
Hinde, J. H.
Hodges, T. L.
Hodgson, F.
Hodgson, R.
Hollond, R.
Johnson, General
Jones, J.
Leader, J. T.
Lowther, J. H.
Neeld, J.
Packe, C. W.
Parker, R. T.
Pechell, Captain
Polhill, F.
Scarlett, hon. J. Y.
Scholefield, J.
Smyth, Sir G. H.
Wakley, T.
Williams, W.

TELLERS.

Sibthorp, Colonel
Mackenzie, W. F.

House resumed. Committee to sit again. Adjourned.

HOUSE OF LORDS,

Monday, March 22, 1841.

Minutes.] Petitions presented. By Lord Strafford, from Liverpool, for an Equalisation of the Sugar and Coffee Duties; and from Londonderry, and Donegal, for the Abolition of Lay Patronage in the Church of Scotland.

The Rev. Mr. Candlish.] The Duke of *Argyll* said, having more fully considered the circumstances which had taken place with regard to the rev. Mr. Candlish, he could not but express his great regret that the noble Marquess opposite should have found himself obliged to act with regard to him as he had done, and this opinion was founded upon his conviction that the rev. Mr. Candlish had broken no law in having disregarded the interdict of the Court of Session, forbidding him to exercise his purely spiritual functions in any place he might think proper. The competency of these interdicts of the Court of Session he entirely denied. The constitution of the Scottish Church, confirmed by the Act of Union, was entire liberty to the ministers of the church to exercise their spiritual functions wherever they chose, and the interdict appeared to him to be an incompetent attempt to deprive them of their liberty; and he more particularly regretted that Mr. Candlish should have lost his appointment, as thereby Scotland had been deprived of the services of one so peculiarly fitted for the duties of the situation that had been intended for him. As this question would shortly be brought before their Lordships for decision, he would not say more upon the subject at present.

The Marquess of *Normanby* understood the noble Duke to express his regret at the course which had been adopted with regard to the rev. Mr. Candlish, and the reason which he had assigned for this opinion was, that that gentleman had not violated the law. He would not now enter into a consideration of that question. It would be highly improper that he should, as there was a legal inquiry into the circumstances at present going on. He thought that the fairest course to pursue would be, to say nothing until the report upon that inquiry was laid before their Lordships.

Subject at an end.

Poor Laws (Ireland.)—Clonmell Union.] The Earl of *Glengall* rose to move, that Mr. Phelan, assistant Poor-law Commissioner in Ireland, should be called to the bar and examined. The noble Earl said, that before doing so, he thought it but justice to say, that he had that day received a letter from Mr. Bagwell, whose name had been mentioned in that investigation, denying that he was actuated by any improper motive in his opposition to the appointment of Mr. Butler as returning officer, or that it was because he happened to be a relative of the Roman Catholic Archbishop of Cashel, as stated by Mr. Stanley in his evidence before their Lordships. He would read the letter he had received:—

"Marlfield, March 19, 1841.

"My dear Lord—It appears by the *Dublin Evening Post* of the 18th inst., a copy of which I send you by this post, that in the course of your examination of Mr. Stanley, on the 13th inst., a letter was read from Mr. Hawley, assistant commissioner to the Poor-law Commission in Dublin, in which Mr. Hawley is represented to have stated, that Mr. Butler was the nephew of the Roman Catholic Archbishop of Cashel, a very respectable man, and that the charges brought against him by Mr. Bagwell could only be attributed to the fact, that he was the nephew of the Roman Catholic Archbishop. As I presume that the examination of the witnesses, with reference to this union, will be left principally in your hands, I wish to direct your attention to the imputation thus cast upon me by Mr. Hawley, in order that if that gentleman should come under examination in the House of Lords, he may be required to explain and justify such a statement as the one above quoted. I need scarcely add, that I was quite ignorant of any relationship between Mr. Butler and the Titular Archbishop of Cashel, until I saw Mr. Hawley's letter in print this morning.—I have the honour to be, my dear Lord, yours very truly,

"JOHN BAGWELL.

"I have also written on this subject to Lord Normanby."

The Marquess of *Normanby* said, that he also had received a similar letter from Mr. Bagwell, and that he had written to that gentleman, stating that he disbelieved the imputation.

The Earl of *Wicklow* thought that they ought to have Mr. Hawley there, for it appeared to him that Mr. Hawley was the most culpable person engaged in the transaction.

The Marquess of *Normanby* thought it would be proper to have Mr. Hawley examined at the bar.

Lord *Ellenborough* said, they should recollect where they were going. He was anxious to have Mr. Hawley examined, but it appeared to him that, if they were to make inquiry into the conduct of the commissioners, they had better make it altogether, and not by halves.

The Marquess of *Normanby* said, the object of their present inquiry was, to ascertain on what grounds an alteration had been made in the language of a letter, and by whose advice and sanction that alteration was made. A general investigation into the conduct of the Poor-law Commissioners would extend the subject to a much greater length.

The Earl of *Wicklow* said, that the most important part of the inquiry was, by whom was the alteration made?

The Earl of *Glengall* said, his object was to get at the point mentioned by his noble Friend, but an inquiry into the general working of the Poor-laws could only be done by a committee up stairs.

Lord *Fitzgerald* thought that it was due to Mr. Hawley, that he should be afforded an opportunity of explanation.

Mr. Phelan, an assistant Poor-law Commissioner for Ireland, was called to the Bar, and his examination occupied the whole sitting.

Adjourned.

HOUSE OF COMMONS,

Monday, March 22, 1841.

MINUTES.] Bills. Read a first time:—Collection of Rates (Dublin); Royal Burghs (Scotland); Grand Jury Presentments (Dublin); Parliamentary Burghs (Scotland).—Read a second time:—Criminal Justice; Copyhold and Customary Tenure; Offences against the Person.

Petitions presented. By Mr. A. Sandford, Mr. Townley Parker, Mr. Charles Hamilton, Mr. Muntz, General Johnson, and others, from Wellington, Yeovil, Preston, Oxford, Birmingham, Oldham, and a great many other places, against the New Poor-law Continuance Bill.—By Mr. P. Howard, from Carlisle, and Mr. Brotherton, from Bolton, for the Reduction of the Import Duties.—By Mr. Law Hodges, Lord A. Lennox, and Mr. Pakington, from Gravesend, Chichester, and Droitwich, against the Medical Reform Bill.—By Admiral Adam, and Mr. E. Tennent, from Kinross, and various Presbyteries in Ireland, against Lay Patronage.—By Mr. T. Duncombe, from Devonport, and Dundee, for Radical Reform, and the Release of Frost, Williams, and Jones.—By Sir R. H. Inglis, from Derby, against any further Grant to Maynooth College; from Somerset, for the Exclusion of Roman Catholics from Parliament; and from York, Lincoln, and several other places, for Church Extension.—By Lord Eliot, from the Guardians of a Union in Warwickshire, for the Landlords of Small Tenements to pay the Poor-rates.—By Sir E. Sugden, from the Solicitors of the Yorkshire Law Society, for Alteration in the County Courts Bills.—By Mr. P. Howard, from Carlisle, for the Jews Declaration Bill.

PARKS, FAIRS.] Mr. *Grote* said, having heard many complaints respecting the closing of the Green Park, he begged to ask the hon. Gentleman, the Secretary for the Treasury, whether it was temporary or permanent?

Mr. *E. J. Stanley* said, that the walks were being repaired, and when that was done it would be re-opened to the public.

Mr. *Slaney* said, seeing the hon. Member, the Under-Secretary for the Home Department in his place, he begged to ask him a question. He had observed, that several fairs in the neighbourhood of London had been put down. He wished to know whether any attempt had been made to regulate them, and so to prevent the abuses which had occurred, that they might be attended with no inconvenience to the inhabitants before this step was taken?

Mr. *F. Maule* said, his hon. Friend should have given him notice of the question; but he was quite sure that they had not been put down until they had become public nuisances.

ADMINISTRATION OF JUSTICE.] Sir *E. Wilmot* begged to ask the Attorney-general, who had brought in a bill to facilitate the administration of justice in boroughs, what provision would be made with respect to contracts entered into between boroughs and counties which had not been perfected?

The *Attorney-General* said, he had no hesitation in stating that the contracts would be declared invalid *ab initio.*

Consolidated Fund.] House in Committee on the Consolidated Fund (8,000,000*l.*) Bill.

The *Chancellor of the Exchequer* observed, that it had been remarked by the hon. Member for Stamford, on a former occasion, that by the returns there appeared to be an out-standing claim to the amount of 1,421,000*l.* There remained to be issued from the Exchequer 1,034,000*l.*, and he asked the question why, with so large a deficiency, he (the Chancellor of the Exchequer) did not take a further vote of 161,000*l.* He thought the hon. Gentleman had not adverted sufficiently to the order in which the returns were made. The hon. Member had asked for an account showing the total amount of grants of Parliament issued, and remaining issued, on the 8th of February, 1841, together with an estimate of the demand out-standing, or the charges out-standing, under the several heads. The hon. Gentleman asked for all the demands outstanding, but did not ask for all the funds; he only asked for part of the funds, for the funds unissued in the Exchequer. Any sums which might remain unavailable were not included in the hon. Gentleman's return. It was clear that his return did not include the whole sum which was available to meet the demands. If the returns had been asked on the 1st of April in every year; if the hon. Gentleman had asked for all the expenses likely to be incurred in the year, and the sum remaining unissued in the Exchequer, the House would have found that the sum in the Exchequer would have been insufficient for the expenses likely to be occasioned. In the navy estimates the gross expense for 1841 was 6,043,000*l.*, whereas all the sum voted was 5,847,000*l.* For this reason there was 1,958,000*l.* for credits in aid were taken. Consequently, when the hon. Member compared the sum remaining in the Exchequer with out-standing demands, he had compared two things, which it was impossible to compare. He should have compared the sum which was disposable to meet the demands, and the demands which were outstanding. The estimate of the amount of the demand was 1,400,000*l.* The deficiency to make up was 386,594*l.* The House would recollect that they had already voted 191,104*l.*, and there was a sum due of 195,000*l.* One word as to China. He observed, that they had returned only the estimated amount of the demand outstanding, 23,000*l.* It was true, so far as the Treasury was concerned, that that was all the amount, but there was a much larger sum outstanding than that.

Sir *G. Clerk* said, the right hon. Gentleman had not given a distinct answer to the question why, with an apparent excess of 386,000*l.*, he had only estimated that excess at 161,000*l.* To that was to be added 29,694*l.*, which the House, by a separate vote, voted to supply the deficiency. Perhaps, when he went into the details, the Chancellor of the Exchequer would explain why he had not included a sum of 30,000*l.* in the account of the excess of demand outstanding as compared with the money of the Exchequer. The Chancellor of the Exchequer would allow him to put a question to him as to the reasons which induced him to state the amount of the naval vote of last year. The gross amount of the estimate last year was 6,043,000*l.* That was the amount of the estimates of the House, but that included a sum of 23,442*l.*, which it had been found more convenient to take as a balance remaining unissued on the China vote. When the Chancellor of the Exchequer laid before the House an estimate of 216,000*l.*, he said it was sufficient for his purpose to take 150,000*l.* Instead of six days, it would be more likely six months before the estimates were brought to a termination, the amount demanded exceeding four or five times the amount of the estimate He did not wish to offer any objection to the progress of the bill.

Mr. *M. OFerrall:* It was true, that a sum of 23,000*l.* was included in the estimates of 1841 and 1842, and it was included in the returns made by the Admiralty and to the Treasury. It was under the same heading in the estimates, and he thought it was sufficiently clearly stated.

Mr. *Herries* should not have been satisfied without the explanation just given by the Chancellor of the Exchequer. The main object in moving for the returns was to obtain some clue to the expenses of the China expedition. The Chancellor of the Exchequer could not furnish the particulars, alleging that the East India Company had not sent over any documents officially relating to the subject. This was wrong on the part of the East India Company. He was bound to say that the House was in an extraordinary, in a deplorable, state of ignorance on the subject of the China proceedings. It was the duty of Government to supply all the information in their power, and he hoped the Chancellor of the Exchequer would furnish the House with some statement approximating as near as circumstances would admit to the amount of the expenses of the expedition. He was of opinion, when the Chancellor of the Exchequer put into the hands of the Chairman a vote for money, it was his duty to be prepared to answer any questions or give any explanation on the subject that hon. Members might require.

The *Chancellor of the Exchequer* said, he had no official source of information with regard to the expenses; but all the information he could give he was willing to render. The reason why he had not laid an account before the House was, because he thought it better to wait until he was in possession of complete information.

Mr. *Hume* wished to inquire of the Chancellor of the Exchequer whether or not he was now applying money belonging to the savings' banks to carry on the expenses of the country? He asked this question because it was believed in the City that a very large sum had been applied in this way. On a former occasion he (Mr. Hume) had asked a similar question in the House, which the Chancellor of the Exchequer evaded; but, in the end, it appeared that he had borrowed money in this manner, and funded it to the amount of more than two millions. He therefore wished to know, whether, in the present state of the finances of the country, this course was again resorted to, as, if so, he considered it to be highly improper?

The *Chancellor of the Exchequer* hoped a wrong impression would not go forth, in consequence of the hon. Member's question, that the savings' banks' money was less safe than before, because a portion had been taken by Government. The only question, he apprehended, that could be with regard to savings' banks' funds was as to the security. In answer to the hon. Gentleman's question, he said, that undoubtedly he had had recourse to savings' banks' money to a certain extent, but to nothing like the amount of the former year. He had recourse to the expedient of taking out a certain sum and funding it to meet the deficiencies under which the revenue laboured.

Mr. *Hume* thought, that the candid avowal of the right hon. Gentleman the Chancellor of the Exchequer ought to alarm the House, and call for an expression of its disapprobation that any Government should presume to add to the national debt without coming to the House. When the House was sitting, if there were any deficiency in the revenue, the Chancellor of the Exchequer ought to come before the House and state fairly what it was, and let the House provide for it. No Chancellor of the Exchequer ought to be allowed to go into the market and raise money as he pleased without the sanction and knowledge of the House. He protested against it as being a most irregular proceeding, and it would be for the House to consider, whether it would place any more ways and means at the disposal of a Government which had adopted such an unconstitutional proceeding.

The *Chancellor of the Exchequer* said, that the law was clear upon the subject, and the exercise of it depended entirely on the discretion of the Government, and for which they were responsible. The same thing had been done before, and whenever the hon. Member thought fit to bring his (the Chancellor of the Exchequer's) responsibility under the consideration of the House he should be prepared to meet him.

The *Speaker* said that before the question was put he was anxious to call the attention of the House to what appeared to him to be an irregularity in its proceedings. The clause now before them was a clause of appropriation introduced into a bill to provide for the ordinary ways and means of the year. Now, it was quite unusual, and unprecedented, to introduce a clause of appropriation into a bill of this description at this period of the Session. He believed the object the Chancellor of the Exchequer had in view in proposing this clause, was to mark the sense of the House on an excess of expenditure, in the departments of the navy above the amount voted for that service in the past year that it might not be drawn into a precedent in future. Such clauses had frequently been introduced into the ordinary appropriation bill at the close of the Session. but since the year 1762 there was not a single instance of a clause of appropriation being inserted in any other bill. A very remarkable instance to the contrary occurred in 1790, when an extraordinary expenditure had been incurred in fitting out an expedition to Nootka Sound. When the attention of Parliament was called to this circumstance by Mr. Pitt, it was considered so desirable that it should not be mixed up with the ordinary expenditure of the year that special votes in supply, were taken to provide for it before Christmas, the ordinary votes of Supply for the current year being taken after Christmas, and yet although the House evidently intended specially to mark these votes, it was not considered necessary to appropriate them specifically in any bill until the general Appropriation Act at the close of the Session. There were other considerations as affecting the proceedings of the two Houses of Parliament, which ought not to be overlooked on the present occasion. But he was satisfied that it was only necessary for him to direct the attention of the House to the subject, for it to exercise a due caution and to avoid establishing a novel, and perhaps dangerous precedent.

Mr. *Hume* said, that the Chancellor of the Exchequer had stated that the same course, as to applying the funds of the savings' banks to the public service, had been pursued before. Yes, it had, two years ago, by Mr. Rice, and a worse precedent for a Chancellor of the Exchequer could not be followed. He was quite aware that no injury could arise from the practice, because the money would be again replaced at three and a half per cent., but it was the irregularity of the practice he complained of, without consulting the House.

Mr. *Goulburn* said, that what he had complained of on a former night was the estimates having been framed on so low a scale; but as to the course which the Chancellor of the Exchequer had pursued, he (Mr. Goulburn) had stated, that he would be quite satisfied with any mode, by bill or otherwise, that would mark the circumstances of the case, so as to guard against it as a general practice.

Sir *J. Graham* said, that he foresaw at the time that the present difficulty would arise, and he suggested a Bill of Indemnity.

The *Chancellor of the Exchequer* said, that he was sure the only object of the House was to mark the circumstances of the case, and he had no objection to that being done in any way that might appear most satisfactory.

Mr. *C. Wood* said, that after what had fallen from the Speaker, of which he believed no Member was before aware, he thought it would be better to withdraw the clause, and introduce it at the end of the Session, with the understanding on the part of the House that it was to be so introduced.

Sir *R. Peel* had been entirely satisfied with the course which the right hon. Gentleman proposed, thinking it quite sufficient to mark the sense of the House, and to prevent this proceeding from being drawn into a precedent. He would have been satisfied, as he had before said, if in the Queen's Speech the Queen had said, "I have departed from the ordinary course with respect to the expenditure of the navy. I have exceeded the estimate, and I foresaw that I should exceed it, but the circumstances were such as to justify me in taking the course which I did." That would have entirely satisfied him. It would have been a record of the circumstances under which the thing was done. But the Chancellor of the Exchequer's zeal outstripped his, and he said he would bring in a bill providing for the special case. Some objections, however, had arisen which he had not foreseen, to the course proposed. The object, he thought, would be equally answered by inserting the clause in the general appropriation bill, with some specific reference to it in the preamble. That would prevent its being drawn into a precedent, and avoid those inconveniences and possible dangers to which the right hon. Gentleman, the Speaker of the House, had so properly called their attention.

House resumed. Bill to be reported.

POOR-LAW COMMISSION.] On the Order of the Day being moved for the House to resolve itself into a Committee on the Poor-law Amendment Bill,

Mr. *W. Duncombe* said, he hoped the noble Lord would give an assurance to the House, that he did not desire to hurry this bill through its future stages before the Easter holidays. It appeared to him to be due to the great body of petitioners, who had petitioned the House against the bill, that no unusual course should be adopted with regard to it, and that ample time should be given to consider its provisions after it had gone through committee. Under these circumstance he trusted the noble Lord would assure the House, that he had no intention of hurrying the bill through before Easter. He trusted it would not get through the committee before Easter, but if it should, he trusted the noble Lord would not press its other stages, but would afford ample opportunity to the House and the country, to consider its various provisions.

Lord *F. Egerton* said, that he also hoped the noble Lord would give ample time for petitions to be presented on this important subject. He had been informed, that several petitions were in preparation at Manchester, and that part of the country, very numerously signed, which were intended to be intrusted to him for presentation against the bill. He had no doubt there was a strong feeling in many parts of the country against the measure, but however happy he should be at all times to present any petitions entrusted to his care, he hoped, at the same time, that the petitions against this bill, or in favour of a repeal of the measure altogether, would be placed in the handsof some Member, whose views and opinions on the subject were more congenial with those of the petitioners than his were. He had had some experience of the working of the old law in some parts of the country, and he must say, that the new law was a very great improvement. The new law might not perhaps work so well in other parts of the country, but in those parts that he knew best, its operation was most beneficial, as compared with the old system.

Lord *J. Russell* said, that he by no means wished to hurry the bill through the House. He had no intention whatever of hastening the subsequent stages of the bill. He only wished that the House should proceed day by day with the committee while there was a full attendance of Members from the country, who must know the opinions and feelings of the different localities which they represented. He thought it better, therefore, to take the clauses as soon as the House conveniently could through the committee, and it was for this reason that he proposed to proceed with it next week. He had no intention to prevent due discussion at any stage of the bill. With regard to what had fallen from the noble Lord as to the feeling in Manchester against this bill, he must say, that so far as he could learn there had been no appearance of great feeling in that town, for when a meeting was advertised to take place on the subject, there could be no more than 300 persons induced to assemble. He had not a doubt, however, but that by means of considerable industry, it was possible to procure a greater number of signatures to the petition.

Mr. *Fielden* said, that there was an extremely strong feeling against the new Poor-law in the manufacturing districts, and especially in Manchester. It was his opinion, that this bill could not be carried into effect in the manufacturing districts, and he should divide the House against it on every occasion,

Sir *E. Sugden* rose for the purpose of deprecating unnecessary divisions, and and begging of hon. Members to direct their attention to those improvements which were desired by those who had watched the working of the new law. He knew, that nothing had excited more prejudice against it than the separation of married persons advanced in life who were obliged to go into a workhouse. If the noble Lord would introduce an amendment to prevent the recurrence of such severity, he would cordially support him; but if not, he would himself introduce a provision to enable a husband and wife, when of advanced age, to live together, subject, however, to such rules and regulations as it might be thought proper to enact. There was another point deserving of attention. There were many old persons who, with a little aid, would be able to support themselves in their own cottages, but who were compelled by the existing law to go into the workhouse, where they cost more than would have supported them in their old residences. It was things of this kind, which were by no means necessary to the efficient working of the law; that were creating prejudices against it.

Colonel *Wood* said, that in the Staines workhouse, of which he was an *ex officio* guardian, husbands and wives were never separated, but were allowed to live together comfortably; and the paupers were warmed by good fires, and not by warm water.

Mr. *W. Ellis* regretted, that every union workhouse was not as as well provided as that mentioned by the hon. and gallant Member.

Mr. *Leader* thought the noble Lord could not be in earnest, when he said there was not a strong feeling through the country on the subject of the new Poor-law. [Lord *J. Russell*: No; not so.] So he understood the noble Lord; and, in proof of the assertion, to observe, that many petitions had not been presented on the subject. But he could easily account for that. The people knew the value of petitioning that House, and did not petition merely because they had no confidence in it. There was no subject on which a stronger feeling prevailed, or on which so many petitions, and petitions so numerously signed, had been presented, for the short time that this Session had already lasted. The noble Lord was, therefore, mistaken, if he supposed, that there was not a strong feeling among the working classes on this subject.

Lord *J. Russell* had said nothing about a strong feeling prevailing through the country. He had alluded simply to what the noble Lord had said with respect to Manchester, and denied, that there was any appearance of a strong feeling there.

Sir *E. Knatchbull* had heard, that the Poor-law commissioners alleged, that under the existing law, they had the power to order the assistant-commissioners to do what he had done the other day at Barnstaple—summon before him the magistrates and gentlemen who had attended at a Poor-law meeting.

Lord *J. Russell* had inquired of the Poor-law commissioners, what the facts of that case were, and they were not able to inform him, as they were not aware of what had taken place, but they intended to inquire further of the officers who were aware of the facts; as soon as he should be informed of the facts, he should be ready to state them to the House.

Sir *E. Knatchbull* trusted, that if there were any papers on the subject, the noble Lord would lay them on the Table.

Mr. *Slaney*, from having been a chairman of a committee to inquire into the working of the Poor-laws, could say, that abuses of the grossest kind had been carried on under the old law, and that some change was necessary. That being the case, it was time now to address themselves to the law which had effected the change, and, if any parts of it were objectionable, to remove them.

Mr. *Wakley* complained of the arbitrary power given as well to the commissioners as to the boards of guardians by this bill. He believed, that by proceeding with it the House was incurring such an amount of moral guilt, that ages of virtuous conduct could not redeem them. He had seen in the newspapers a most extraordinary case, to which he wished to call the attention of the House. It was an account of the proceedings before the magistrates at the Shire-hall, Nottingham, relative to the death of a man of the name of Parke. It appears, that he died from want, and complaint was made, that the parochial medical officer had not done all in his power to afford him aid. The surgeon, when he appeared before the magistrates, stated, that he endeavoured to obtain from the board of guardians some relaxation of the order as to giving nutritious food or other relief in case of destitution and illness occasioned by want of food. He said, that he had attempted, for six months in succession, to induce them to alter rule, so that he might be able, as the medical officer of the union, to go beyond the dietary in cases of urgency; but the reply was, that this was not to be done till he had reported each case to the board and obtained permission. So that if a surgeon of the union saw a patient dying from exhaustion, he had not power to order him a glass of wine or an ounce of nourishing food. He found one of the magistrates on the bench was Colonel Rolleston, he believed a Member of this House, who stated, that he believed, that the proceeding of this board of guardians had met with the disapprobation of the commissioners; and he should like to know from the hon. Member, if he was in the House, whether this was the case or not? Again, during the present day, in the discharge of his duty he met with a surgeon, who asked him why he had not replied to a communication which he had sent him in a somewhat similar case. He had no recollection of the case; so that it appeared the communication had miscarried. It appeared, that this gentleman was the medical officer of the Uxbridge union, and that he had got into some dispute with the board of guardians there, in consequence of their interfering with the orders which he had given relative to his patients. This gentleman stated, that he found it necessary to order some nourishing sustenance to be given to some of the sick paupers beyond the usual dietary, and the board had thought proper to disallow his orders. He observed, that if this gentleman, as medical officer of the union, had applied to the commissioners on the subject, he would have found a remedy. The gentleman replied, that he would put into his hands the correspondence which had taken place on the subject, and, with the permission of the House, he would proceed to read it. It would appear from this correspondence, that if a rule of this kind was to be enforced by a board of guardians, and if it was to be carried out to the last, it would be consigning the poor in the workhouses to almost certain destruction. The medical officer of a union might order for a patient Epsom salts, he might order jalap, he might order rhubarb, or any other drug—he might prescribe medicines to any extent; but, as the House well knew, those drugs would not sustain human life. Still the guardians put no restraint upon the administration of drugs; but the medical officer must beware how he recommended anything more costly. There must be no stimulant; no remedy of that description could at any time or under any pretext whatever be administered without the consent of the guardians previously obtained. Now, he put it to the just feelings of hon. Members to say if anything could be more horrible than this? Could there be anything more deserving than this was of being called direct, cold-blooded, heartless cruelty? It never happened to him to meet with any detail of circumstances which struck his mind as being more horrible and dreadful than the conduct of these guardians. He should now, with the permission of the House, proceed to lay before them the correspondence to which he had up to this time been directing their attention. The first letter he should read was from Mr. Rayner to the board of guardians of the Uxbridge union, and was in the following terms:—

"Uxbridge, December 3rd, 1841.

"Gentlemen,—It having been represented to me, that the board of guardians had observed, that I had given many orders for mutton, bread, and beer to the cases under my care, and which have appeared to them to be more than reasonable, I have considered it right to acquaint the board, that I have not in a single instance given one order more than what I considered, as a medical officer, it was my duty to do; and I beg leave respectfully to remark, that a proper quantity and description of nourishment (only to be known by the medical attendant) is of as much, if not more importance to the successful issue of any case under treatment, as any other remedy.

"I remain, &c.

"William Rayner."

The next document to which he wished to direct the attention of the House was an extract from the order-book of the Uxbridge Union; it was in these words:—

"It appeared from the medical weekly return-book of the Ruislip district, that the medical officer has attended nineteen patients during the past week, to fourteen of whom he has ordered indiscriminately mutton, beer, bread, &c. Besides these cases he has given two orders to the relieving officer for paupers whose names do not appear in the medical returns, namely, Mrs. Edward's child, ¼lb. of mutton per day, Mrs. Fellows's, mutton as before. Resolved, that Mr. Rayner, the medical officer, be requested to furnish the guardians with an explanation on the subject."

The reply to that resolution made by Mr. Rayner was this:—

"Uxbridge, Feb. 4. 1841.

"To the Board of Guardians, Uxbridge Union.

"Gentlemen,—I have to acknowledge the receipt of a resolution of the board of guardians, handed to me this day by Mr. Woodbridge. I beg to refer you to my letter addressed to the board on the 3rd of December, 1840; and again to state, that the articles of diet which I have ordered, to which that resolution refers, I consider necessary for my patients, and so long as I remain a medical officer of the union I shall continue to order them, if they require them. I have to-day learned, that some of my orders have been refused and others torn up, while to the paupers threats have been held out by Mr. Stockwell, that if Mr. Rayner continued them he should withdraw the money allowed to the pauper by the board of guardians. I therefore consider it to be my duty to state distinctly to the board, that I will not take upon myself the care and responsibility of those patients to whom diet is refused as a remedial means, nor risk the danger incurred by such refusal; but shall feel myself bound no longer to continue a medical officer of the union under such disadvantageous and hopeless circumstances.

"I have the honour to remain, gentlemen,

"Your obedient servant,

"William Rayner."

On the same day Mr. Rayner wrote the following letter:—

"Uxbridge, Feb. 4, 1841.

"To the Poor-law Commissioners of England and Wales.—Gentlemen—I am a medical officer for one of the districts of the Uxbridge Union, under a contract for one year, to terminate in March next. On the 3rd of last December, in consequence of reports which reached me, I sent the letter marked No. 1 to the guardians. To-day I received the resolution of the board marked No. 2, and have since sent the letter marked No. 3, in reply. The district which I have is extensive and exceedingly poor, and I have ordered articles of diet, which in my judgment I deemed necessary for the well-doing of my patients, and send you a copy of the return to the board of guardians, on which the resolution was founded. Now, gentlemen, I wish to be satisfied on the following points, and as it is my present intention to publish the whole correspondence for the benefit of others similarly circumstanced, I shall, therefore, thank you for an explicit and clear answer to my inquiries, as upon your answer will greatly depend my continuing a medical officer of the union;—1. Have I authority, as a medical officer, to order any description of article of diet for pauper patients under my care? 2. From whence does that authority arise? 3. Have the board of guardians or relieving officer authority to refuse an order for diet which I, as a medical officer, deem proper for my patients? And, if so, 4. What would be the proper grounds for such refusal?

"I have the honour to be, Gentlemen,
"Your obedient servant,
"WILLIAM RAYNER."

He wrote again on the 26th of February, in the following terms:—

"Uxbridge, February 26, 1841.

"Gentlemen—I had the honour of addressing a letter to you three weeks ago, on a subject in connexion with the Uxbridge Union, and have not yet been favoured with a reply. Similar circumstances having occurred since I wrote to you, I am anxious for your immediate answer to my inquiries, and have the honour to be, "Gentlemen,
"Your obedient Servant,
"WILLIAM RAYNER."

"To the Poor-law Commissioners."

After the lapse of a few days, he received the following communication:—

"1,636 A.—Poor-law Commission-office,
Somerset-house, March 4, 1841.

"DIET FOR SICK PAUPERS.

"Sir—The Poor-law Commissioners acknowledge the receipt of your letter, of the 4th ult., and of its enclosures, and they have had under their consideration the inquiries which you submit to them with respect to your authority as medical officer of the Uxbridge Union, to order any description of articles of diet for pauper patients under your care. The commissioners, in reply, desire to inform you, that a medical officer is not empowered by the orders of the commissioners, or by his contract with the guardians, to order articles of diet for pauper patients under his care. Such a power would be equivalent to the power of giving relief, which the law has vested generally in the guardians, and which it is not competent to a medical officer to exercise. A medical officer can only recommend or advise the guardians (or relieving officer) to give certain articles of diet to a pauper patient, and the guardians (or their relieving officer) will exercise their discretion, upon their own responsibility, whether they will or not adopt such recommendation or advice.

"By order of the Board.
"—— ASSISTANT SECRETARY."

The House must now have seen that the board of guardians, after employing a medical man themselves, assumed the power of interfering with his medical treatment of the patients intrusted to his care. What else did their conduct amount to? The doctor was called in, he found the patient with a sinking pulse, he found that nutriment, and not medicine, was the chief thing required, he found that beef and mutton, that jellies and soups, and wines, were the remedies which alone could restore the patient to a state of health. The necessity for this might arise on the night of a Tuesday; the guardians might not meet until the following Tuesday, and what in the mean time was to become of the unfortunate pauper patient? The Poor-law commissioners took little pains to provide for his sustenance in such an event. In what light, he would ask, was it probable that the public would view a transaction of this nature? Would they not view it with horror and disgust? It was horrible and disgusting, and nothing else; it gave the guardians the power of sentencing the paupers to death. What a contrast this exhibited to the treatment which the inmates of prisons experienced? There the medical officer was not restrained, as he was in the case of the innocent and unoffending paupers; he he might order whatever diet he pleased. The prisoners were immediately supplied with wine or with other sustenance, to whatever extent the medical officer might think necessary, and all this for the benefit of delinquents who had offended against every law; while the honest and industrious pauper who had toiled and slaved through thirty or forty years—

who throughout the whole of that period had, in common with the class to which he belonged, contributed to the resources, the dignity, the strength, and the wealth of the empire, yet was to be allowed to perish in his old age from mere want of sustenance! In the peculiar gaol which the Poor-law Amendment Act had created the prisoners were allowed to starve. The medical officer must see them die under his care, and was not supplied with the means of administering to them the only remedy which his art enabled him to suggest.

Mr. *Darby* said, that under the old law a remedy for the evil of which the hon. Gentleman complained was to be found in an application to a magistrate; he believed that that remedy still continued to exist. If a medical officer said that the case of any pauper patient was one of a dangerous character, and that additional nutriment and stimulants were required for his use, then the magistrates possessed the power, and it was not to be supposed that in any case they would want the inclination to make such an order, as the exigency of the case might seem to require. There certainly was a clause in the existing law to that effect, and he could not help feeling surprised, that it should have eluded the examination of the hon. Gentleman opposite, the hon. Member for Finsbury.

Sir *Harry Verney* agreed, that it was desirable to have every case of alleged abuse investigated, and for his own part he could only say, that he was most anxious the poor should receive not only proper medical attendance, but such necessary articles of diet as their cases required. He had some experience in the matter, and he did not hesitate to state, that he never knew an instance where a pauper wanted relief in which it was not afforded. This was a case which should be inquired into, and he felt delighted when accusations of the kind were brought forward, because it would enable them properly to deal with them.

Viscount *Howick* quite agreed with the last speaker, that in any case of emergency a remedy did exist. The question which the hon. Member for Finsbury had raised was this, whether or not the medical officer could order supplies of food independently of that discretionary power with which the board of guardians were supposed to be invested by the law, as it at present stood. That was, he apprehended, the question which had been raised. Now, in common justice, he felt bound to say, that he never remembered an instance in which any board of guardians hesitated to allow nutritive diet when required to do so by the medical officer. It was well known that in every part of the country they readily gave wine, and everything else that the condition of the patient seemed to require; it was possible that in many cases statements to a contrary effect were circulated, but he believed that they were put forward without the least foundation. It did not by any means follow, that because a medical man had received legal authority to practise, he was therefore free from the wish to excite dissatisfaction throughout the country. Although a member of the College of Surgeons, he might be anxious to acquire a low and despicable popularity; he might wish to flatter the worst passions and prejudices of the multitude; he might abuse the trust reposed in him; he might avail himself of the power which he possessed and convert it to purposes of mischief: it did not follow from what the House heard that evening that something of that sort might not be the case, and if a board of guardians suspected that any thing of the kind were practised under the plea of duty, they were bound not to allow the medical officer to take out of their hands the power of giving or withholding relief. He could not, without stronger evidence than had yet come under his observation, bring himself to believe that the gentlemen, the magistrates, the farmers of England, would be guilty of such conduct as had been imputed to them by the hon. Member for Finsbury; he could not believe it on the unsupported statement of the hon. Member. He heard enough to convince him that the hon. Member gave ready credence to every story related to him on subjects of this nature. The hon. Member never allowed himself for a moment to doubt any statement made to the disadvantage of the Poor Law Commissioners. He did not accuse the hon. Member of wilful misrepresentation—to do so would be unparliamentary. He accused the hon. Member of nothing of that sort; but if the hon. Member were in the habit of loosely adopting statements with which he might be furnished on occasions of this kind, the hon. Member would never want materials for inflammatory speeches. [Mr. *Wakley*:

Have any of my statements been disproved?] They had not been substantiated. The hon. Member was a strenuous advocate for the maintenance of local Governments, and for allowing parties to manage their own affairs; yet now be objected to the exercise of any discretion on the part of the elected representatives of a parish or union. But the whole of what occurred at Uxbridge, and at the Nottingham union, convinced him —though he did not want any further proof—of the justice and the wisdom of having an impartial central authority to control the proceedings of local boards and officers. He did trust that the cases which had that evening been brought forward would not be implicitly received. Before he sat down, he could not help observing, that the hon. Member who brought them forward had not taken the precaution of mentioning the matter to gentlemen connected with that part of the country, in order that it might be inquired into before the subject came under the consideration of the House. Nothing was known of the matter beyond the statements which the House had heard from the hon. Member himself, and he did hope that the House would not attach any weight to complaints of that description.

Colonel *Sibthorp* said, it had been stated, that Mr. Rayner might be one of those who were seeking popularity to serve their own ends, by bringing this measure into disrepute; but were there not others who were seeking popularity with the same view? Were there not noble Lords who, when they were turned out of one place, were trying by all means in their power to get into another? It appeared that three weeks had elapsed before any answer was sent to the statement of this medical officer. Now, if that were the feeling which the noble Lord justified, he would tell the noble Lord he had no reason to boast of it, and that the sooner he quitted the situation of poor-law guardian the more satisfactory would it be to the poor of the union over which he presided. He thought this was a most important case; and that it proved how little they could trust to the Poor-law commissioners in the regulations they made, and how little confidence they could have in the boards of guardians in carrying those rules into execution.

Sir *A. Dalrymple* had listened with pain to the speech which had been made by the noble Lord opposite (Viscount Howick) in answer to that of the hon. Member for Finsbury. The noble Lord seemed to forget, that at that moment the whole of England was not under the sway of the Poor-law commissioners, and that, therefore, it was necessary patiently and calmly to listen to and investigate any of those statements that were made, and see whether they were accurate or not; and not to answer those who brought them forward in the way the noble Lord had answered the hon. Member for Finsbury. What was the case and manner of proceeding in those places that were not yet brought into union? He would mention a case within his own knowledge. During the last winter he had received a letter from an individual resident in the town which he represented, stating, that his foot was frost-bitten, that he was in great distress, and begging he would afford him some relief. It appeared that he was a person who had been a pauper in the parish. He went to the surgeon who attended the parish, and asked him the state of the case. That officer answered, that the applicant was a pauper who had received out-door relief; but that it was in his power, from the directions he had received, to administer to the paupers under his charge any species of food or nourishment which he thought fit, and that it was therefore unnecessary for the man to have made that application. Now the statement which had been made by the hon. Member opposite appeared to him to deserve consideration in this respect. Even supposing that the medical officer, as the noble Lord had suggested, had made this statement for the purpose of creating popularity, still it was possible that the persons to whom he wished to administer that relief might really have required it, and it was therefore the duty of the board of guardians to have inquired into the circumstances. It wcs possible they had done so, but he had referred to the Poor-law commissioners in London. An extract from their answer had been read, and it stated nothing of any inquiry having been made. There seemed to have been no distinct inquiry, and the medical officer had received a reproof for his conduct, which in his opinion was wrong. But what he wished was, that all acrimony should be avoided on both sides of the House when cases of this kind were brought forward. He was sure that that acrimony had been one of the causes that had produced so much ill feeling against the Poor-law throughout the country. There was only one more observation which he wished to make. Many of those gentlemen who acted as assistant Poor-law commissioners had theories of their own that did not answer when carried into practice; and it was, therefore, highly necessary that their proceedings should be carefully watched.

Colonel *Rolleston* understood that during his absence his name had been mentioned in reference to a case with which he was in some degree acquainted; and he must express his regret that the hon. Member for Finsbury had not given him some little intimation of his intention to refer to that case, as he was led to believe from what he had ascertained from hon. Members one one side or the other, that some misapprehension might exist as to the circumstances of it, and that blame might be attached to the wrong quarter. He would, however, endeavour to give some explanation of the circumstances of the case. As an *ex officio* guardian of the union in which that case occurred, he was one of those who held the opinion, that unless guardians regularly attended to the business of the board, they did little or no good by going only now and then. Acting on that principle, he seldom visited the board, nor should he have done so on this occasion, but for a most frightful statement that had appeared in the public papers, in reference to a pauper who was represented to have died in the union workhouse under the most distressing circumstances. When he heard of it, he considered it his duty to attend the board to ascertain whether any steps had been taken in reference to it; and on doing so he found the question had been already argued, and that a resolution had been come to that the case should be investigated. From that investigation it appeared that this unfortunate man was exceedingly ill, and that he had been removed to the union workhouse, a distance of ten or eleven miles, in an open cart, in most inclement weather, when the temperature was ten or fifteen degrees below the freezing point. He was received into the workhouse at about five o'clock in the evening in a state of extreme debility, and was attended to, but he never rallied, and he died at eleven or twelve o'clock the following day. Everything was done, he believed, that could be done by the inferior servants; but the more particular part of the question rested with the medical officer. On examination, he said he had prescribed for this man some water-gruel and tea, and something warm, &c. He asked him whether he had prescribed in writing or verbally, and his reply was, "In writing," and he accordingly produced his book. In that book he saw entered "water-gruel and tea," with an "&c." He observed to the medical officer that the "&c." was very wide in its meaning, and asked him what he meant by it. His answer was, "Something warm of that sort; nothing but warm tea or water-gruel." He asked,

> "Do you mean to say, that under the circumstances of this case, which I understand to be one of extreme debility, something more calculated to sustain life, or more stimulating, was not necessary?"

The answer of the medical officer, to his astonishment, was this—

> "Most assuredly I should have given him warm wine, or spiced wine, or something of that sort, but I had no power of doing it, by the orders of the board of guardians."

He said he thought that was totally impossible, and that there could be no such order, for it was contrary to the spirit of the act, and the rules and regulations of the Poor-law Commissioners, and the common feelings of humanity. He told the medical officer he was quite satisfied he must be mistaken, but the answer was that he was not mistaken, that there was such an order, and he would appeal to the chairman of the board, a gentleman of the highest respectability, to know whether such an order did not exist. The explanation that was accordingly given was this —that what had been done, had been according to their order: it was true there was no written order of the kind on the books: but the medical officer had received an injunction, that he should not apply stimulants of this sort without a special order of the board. He regretted further to say, that that medical officer had applied four or five times to the guardians, to have that injunction set aside, but he had been unable to attain it. He was sure, however, that the House would see that this did not reflect on the commissioners. If the board of guardians had given that injunction, and that injunction had been acted on, the commissioners were not to blame. It so happened that one of the Poor-law Commissioners (as we understood) was present at the time of the investigation; of course he took no part in the proceedings of the board, but he appealed to him whether such an order was not contrary to the spirit of the act, and the rules of the commissioners. He really believed it to be so; and he considered that this unfortunate occurrence, whether from a mistake on one side or the other, did not rest with the Poor-law Commissioners, or any order they had made. But the case had been carried further. It was brought before the magistrates, and they thought the matter so serious, as to require still further investigation. It was then brought before a court of law, and the learned judge, in his address to the grand jury, said, that the persons were indicted only for a misdemeanour in this case; but he would most distincly tell them it ought, if anything, to have been an indictment for manslaughter, and it was, therefore. not found. The indictment was against the medical officer and the overseer, who had sent this poor unfortunate man to the workhouse, in an open cart, in such inclement weather. Those were the circumstances of the case, and they were still under investigation by the proper authorities, who would see where the blame ought to rest.

Mr. *C. Hamilton* thought the statement of the hon. Member for Finsbury would induce hon. Members to pause before they voted for the clause defining the powers of the commissioners and guardians; because it was stated, that the commissioners did not sanction this extra allowance to paupers. It was said that the by-rule had been applied only to the Uxbridge Union; but, according to the 4th clause of this bill, he believed it would become a general law for all unions.

Mr. *C. Wood* said, he thought the hon. Member who had just spoken, would find nothing in the 4th clause of this bill to justify the fear he had expressed. The question was. whether a medical officer of an union had a right, without an order of a board of guardians. to order an indiscriminate supply of extra sustenance. He recollected that, according to the documents which the hon. Member for Finsbury had read, the medical gentleman in question had ordered extra sustenance in two cases which did not appear in his medical report; and he must say, that according to all the experience he had had as a guardian of the poor, such a course was contrary to all the rules and regulations of any board.

Mr. *E. Buller* said, that if a report were laid before a board of guardians, that a medical man had attended in the course of the last week only nineteen cases, and that out of those, in fourteen cases he had ordered wine, and extra sustenance of that kind, he must say, that if he were chairman of that board, he should have felt himself bound to make some inquiry into the circumstances. But he did not think it possible, that out of such a small number of cases, so many could have required such a liberal order as to wine and other things of the same kind. It did not appear to him, however, that the board of guardians did restrict their medical officers from making those orders, until they exthey extended them too far.

General *Johnson* said, it must not be forgotten that this case had been referred to the commissioners, and three weeks elapsed without any notice being taken of it. Another letter was then sent, and after taking further time to consider their answer, they at last confirmed the order of the board of guardians by saying, that the medical officer was not to give extra sustenance, except by the advice of the board of guardians, and either at the option of the guardians, or the relieving officer. Now, since boards of guardians only met once a fortnight, and although many cases might be brought in requring extra sustenance, yet the medical man would only have the power to order water-gruel or tea. Were hon. Members sent to that House to devise means for starving the poor? It was with deep regret he had heard the the speech which the noble Lord, the leader of that House had made, on the opening of this debate, on Friday last. The declaration then made by the noble Lord was pregnant, in his opinion, with most serious evils. The noble Lord wished to bind together the base and the good, the vicious and profligate with the virtuous and industrious, and throw them all into a chaos of confusion and destitution. He wished the House to observe the principles which were inculcated in the doctrine, that there should be only one test, whatever might be the circumstances of the case, and that whether destitution arose by the visitation of the Almighty, or by his own profligacy, every poor man should meet at the hands of the House the same treatment. He called upon that House, before they proceeded with this bill, to guard against such a principle being embodied in the law of the land. Had the declaration which was made by the noble Lord fallen from the Commissioners, he should not have been suprised at it; but coming, as it did, from a leading Member of the Cabinet, it had made a deep impression on his mind.

Mr. *Grote* said, the noble Lord's speech on Friday last was not the subject of the present discussion; but if it were he might say that never in his life had he listened to a speech in which he so thoroughly concurred. He felt the strongest admiration for the courage with which the noble lord had supported this measure, a measure which he believed to be the only true and humane one for paupers and pauperism, in spite of the obloquy that was attempted to be thrown on it. He entreated the House to understand what was the question really before the House. No blame could be attributed to the commissioners or to the board of guardians; but the hon. Member for Finsbury desired that all medical officers attached to unions should have the unlimited liberty of ordering sustenance of the most expensive kind, without it being in the power of the guardians or the commissioners to disallow the orders of the medical officers, even if they felt it necessary to do so. If this principle were admitted, the medical officers would become the real administrators of the relief to the poor, and the Poor-law commissioners and the boards of guardians might be dispensed with all at once. In the case instanced by the hon. Member for Finsbury the commissioners were appealed to, and they were obliged to interpret the law as it existed. The principle which the hon. Member wished to establish was a bad one, both under the new and under the old law.

Colonel *Wood* protested against the doctrine of the hon. Member for the city of London. He regarded the medical officer as not only responsible for the medicine he prescribed to his patients, but also for the diet he ordered.

Mr. *Easthope* said, that medical officers, when entrusted with the care of the poor, were bound to deal with them in all respects according to their best skill. In doing so they were under the superintendence and control of the board of guardians, who, if they exceeded the line of their duty, could at once discharge them; was not this sufficient to prevent any abuse of their power by the medical officers? He thought common sense and common humanity pointed out the proper course in this matter. The medical officer should have full power, being responsible for the manner of its exercise to the guardians. He could not but lament that this natural arrangement should be opposed, and especially at a time when there was so much exitement in the country respecting the administration of the law.

Mr. *W. Attwood* said, that the case before the House was that of poor persons who had been convicted of no crimes, but whose sufferings proceeded from their poverty. They required medical assistance, and the medical officer did not feel at liberty, in consequence of the positive orders he had received, to administer the relief which their suffering and sinking nature required, without first receiving the sanction of the board of guardians, even though death might be the consequence of delay. If this was the case of any individual who was suffering, not from poverty, but from some cause that occasioned an excitement in the country, he was sure that such treatment would be alluded to in that House in the strongest terms of reprobation. It had been said, that no blame was due either to the guardians or to the commissioners. The hon. Member for London, had gone so far as to say that no blame was attributable to any one, and that that which had occurred was only what might be expected to occur under similar circumstances. Now, the House would bear in mind some observations which had been made by the right hon. Member for Tamworth, showing the incautious manner in which the Poor-law commissioners were accustomed to express their wishes and intructions, and which was felt to be improper even by the supporters of the Poor-law. He would put it to the House, then, whether some of these incautious expressions might not, in the case brought under the notice of the House, have led the board of guardians into error. It was the opinion of some hon. Members that the medical officer should not administer relief without the consent of the guardians; but it might happen that unless the medical officer had such power he would not be able to save the life of a pauper suffering from sickness. He saw no security for the pauper if the medical officer were taught to look upon the board of guardians in the characrer of a consulting physician. Unless a medical officer could be intrusted with the discretion of ordering proper sustenance for the poor, he was not fit to be intrusted with their care. It was competent for the board of guardians at their weekly meetings to check any abuse. He regretted to hear the hon. Member for London, defend rules which must necessarily lead to the recurrence of cases similar to the one just alluded to [*No.*] Why, the hon. Member had said, that if the medical officer were vested with the unlimited discretion of administering food and sustenance to the poor, in that case the medical officer, and not the board of guardians, would be the actual administrator of relief to the poor. Now he said, that if the medical officer were to be allowed to administer no relief to the sick paupers without the consent of the guardians, cases similar to the one brought under the notice of the House must constantly occur. When he saw attempts made to extenuate proceedings of such a nature, he could not but believe that some expressions—unguarded they might be—contained in the reports of the Poor-law commissioners, had led to the formation of these stringent rules by the boards of guardians. It was for this reason that those who opposed the New Poor-law thought it would not be wise to continue it until security was obtained for greater caution in its execution.

Mr. *Ward* said, the hon. Gentleman had entirely mis-stated what had fallen from his hon. Friend the Member for London. It was not a question whether a certain discretionary power should be intrusted to medical officers. That was, in fact, the general rule. But his hon. Friend said, that if such power were delegated to medical officers, without responsibility to boards of guardians, it would be transferring to them the whole administration of relief. His hon. Friend had been entirely mis-represented—almost wilfully mis-represented [*Cries of* "*Order*"]. He begged pardon if he had used any expression out of order; but his hon. Friends' statement had been very clear, and very much mis-understood. His hon. Friend thought responsibility necessary, and that was no ground for an imputation of inhumanity. In every part of the country a discretion was given for at least one week to the medical officers. [Mr. *Wakley*: Where do you find it?] In Hertfordshire and in the district with which he was connected. A medical officer of one union informed him, that without communication with the board of guardians, he ordered wine, bread, meat, to any extent which he thought necessary; and that in no single instance had he been found fault with. At one time a low typhus fever prevailed, and for six weeks the charges for wine and other comforts amounted to three, four, and five pounds for each family. He did not wish to go into the general question, but he would just remind hon. Gentlemen that the system advocated by the opponents of the present measure was not condemned without trial. In 1793 Mr. Pitt, in proposing the alterations which were made at that time said, "Let us make relief, particularly in cases where there are a number of children, a matter of right, and not of opprobrium." Now he would ask whether the system then introduced did not give a premium upon improvidence, by holding out a prospect of honour and reward for families brought into the world without the means of providing for them.

Mr. *W. Attwood* said, that as the hon. Member had withdrawn the charge he had made of wilful misrepresentation, he would leave the House to decide which of the two had been most guilty of misrepresentation.

Mr. *Ward* said, that the manner in which the argument of the hon. Member for London had been misrepresented almost justified him in using the expression which had fallen from him.

Mr. *Courtenay* thought that the old system of Poor-laws was like a cancer spreading on the vitals of the country, and he entertained respect for the courage of the Ministers who dared to probe the wound. He would no more think of charging them with cruelty than he would the surgeon who used the knife to cut out a cancer. Nevertheless, he could not shut his eyes to the occurrences which were taking place in the country. The House had heard of an individual case; but he could quote the case of many individuals in the union of Bridgewater, and he was sure the House could not listen to his account without shuddering at the pain and misery which the poor people had endured. At the end of October, 1836, the workhouse at Bridgewater was crowded to excess. An epidemy of a grave character broke out; dysentery prevailed, and a vast number of persons were ill. The medical officer represented to the board of guardians that the disease was of an infectious nature; and he recommended that some change should be made in the diet. The House had heard of wine and meat and all kinds of comforts being prescribed, but in this case, all that the surgeon asked was, that the poor might be allowed to change their water-gruel, which, as hon. Members might be aware, had a tendency to aggravate certain disorders of the bowels, for rice milk. The answer the surgeon received from the board of guardians was, that they could not interfere. The surgeon was given to understand that his duty was with the sick only. No redress was to be had. These statements could hardly be believed, unless they had been proved on oath before the House of Lords. An appeal was made to the commissioners, but from the end of October until the month of April following no answer could be obtained; and no power was given to change the diet, though the people were dying, and in a small population not less than fifty deaths occurred. He was not about to reason upon the principle *post hoc ergo propter hoc;* he admitted that these people may have died from some other cause; but when they saw persons enduring all the miseries of an hospital (for it was nothing else), medical men were bound to apply their understanding, their medical understanding, to the treatment of these poor people, in order to prevent the spread of an infection which had continued for five months, and nearly fifty persons had died. These were very serious considerations, and although he was no enemy to the Poor-law, and did not wish to inflame men's minds, he could not but think that the House should have before it what had taken place under this law, and he trusted that the noble Lord, in the present bill, would take care that where an epidemic unfortunately happened to break out, there should be a change of diet, not only of those who were actually suffering, but of such as lived in the atmosphere of the disease.

Mr. *Muntz* said, that the great objection to this bill was the power given to the commissioners. If guardians could not do as they liked, why should they be responsible? He did not say, that the commissioners would do what they thought wrong; but if, from the circumstances in which they were placed, they did that which produced the death of an individual, they were guilty of murder If they gave an order in consequence of which a poor man died, they were guilty of murder. No person of independent mind would be a guardian in the present state of things; no man of feeling would act under orders which no man of feeling could put in execution; and, therefore, no man of feeling would be a guardian. If a surgeon refused to act without the order of the commissioners, he ought to be dismissed. To tell him that a surgeon ought to wait for the order of the commissioners before he acted—why, it was a cold-blooded, deliberate murder. Men did not starve now, as in Queen Elizabeth's time, through idleness and dissipation, but because hey could not get the means of employment; thousands were every week thrown out of employment by the condition of the country. The object should be to induce men of independent minds and good feeling to become guardians, who would do justice to the people.

House went into committee.

On the first clause,

Mr. *Easthope* rose to move the amendment of which he had given notice. He was sure that all parties in the House must feel anxiety that this measure should be accompanied by every possible security for the due administration of the great powers it conferred, and for the effectual control of Parliament over that administration. He could but feel the great delicacy, the great difficulty, and that even danger was necessarily attendant on powers so extensive. He could not but think, therefore, that the period for which those powers were by this bill to be continued should be shortened. He entirely concurred in the reasons which had been urged by the right hon. Baronet the Member for Tamworth against the period originally intended by the bill. The right hon. Baronet had succeeded by a statement of these reasons in convincing the House that the period ought to be reduced to five years. But he submitted to the House whether, considering the extraordinary functions of the commissioners, attended as they were with so much difficulty, and subjected as they were to so much misrepresentation, the term of five years were not still too long, and whether Parliament were acting with due caution in transferring all classes of the poor to the discretion of the commissioners for so great a length of time. He did not think it necessary to go at length into the subject. He thought the previous discussion, and particularly the debate of that evening, had furnished proofs of the expediency of shortening the period. He submitted to the House whether, after all that they had heard, five years was not far too long a time for the House to be without the power of revising this measure, and, if needful, of putting an end to the powers of the commissioners. If the bill worked well, and the commissioners executed their duties satisfactorily, and it was needful for the continued well-working of the measure that the powers of the commissioners should be continued beyond two years, Parliament would undoubtedly then prolong the existence of the commissioners. He knew there might be some inconvenience in having discussions on the subject frequently, but he trusted the House would not bend to considerations of that sort. He could not think it possible that the House, on account of mere inconvenience, would lay itself open to the charge of indifference to the well-being of the poorer classes, or of negligence in the discharge of its peculiar functions. He, therefore, begged leave to move that 1843 be substituted for 1846.

The *Chairman* thought it necessary to take the opinion of the committee on a point of order. He had received intimation of different amendments on this point, one being for 1841, another 1842, and that which had just been proposed, 1843. It would be for the committee to decide which amendment should be taken first. He thought the figures in the bill were to be taken as blanks to be filled up.

Lord *John Russell* thought he might be considered as proposing that the words 1846 should stand part of the clause, and that the amendment which had just been proposed should take precedence of others.

Question accordingly proposed that 1846 stand part of the clause, to which Mr. Easthope moved as an amendment that 1843 be substituted.

Mr. *Grote* said, the question he understood the Chairman to have put from the chair was, "that the words forty-six shall stand part of the bill, to which an amendment had been moved by the hon. Member for Leicester, "that 1843 be substituted," and to that question he should address himself. He hoped that the noble Lord would not consent to any proposition for shortening the duration of the commissioners to a less period than five years. The excitement which the continuance of their powers created served as an additional reason to his mind why the period of their existence should not be reduced below five years. Many gentlemen, like the hon. Member for Oldham, and the hon. Member for Finsbury, disapproved altogether of the working of this bill; and he could not wonder that gentlemen who entertained that view should be disposed to restrict the duration of the commissioners to one year or two years; or, as the Member for Oldham wished, to one or two days. But if it turned out that there were many gentlemen of that House who had not made up their minds that this law was really injurious, but who believed that it had worked very well, and in an exceedingly wholesome manner, as he believed; or, at least in such a manner as not to warrant them in condemning it at once—in either case it was not right to reduce its existence to a shorter term than five years. In fixing that term it was not like granting an irrevocable lease to a tenant of a piece of land, which they could not regain possession of before the expiration of the term. Gentlemen must not think that they would debar Parliament from all interference at any period before 1846 by agreeing to this term, if they should see good cause for such interference. Parliament did not in any way forfeit the right of investigation, or its power of interference. There still remained the opportunity of convincing Parliament that the commission ought to be put an end to. Now, conceiving as he did that this commission was naturally, and by the necessity of the case, determinable, at the will of Parliament, he hoped hon. Gentlemen would not forget that they annually voted the salaries of those commissioners in Parliament, and that it was competent by a single vote to put an end to the commission. It did not appear to him necessary to fix any period for its termination. But if the House was determined, that some fixed period should be made, at the expiration of which the House would pledge itself to take the whole subject of the Poor-laws into its consideration, to determine if any change might be required; or, if any qualification of the law might be necessary, he did say that it was not consistent with the reasonable or the legislative working of the law, that they should reduce the period of its duration lower than five years. They were paralyzing and weakening the authority of the law, if they gave to this commission the feature of an expiring and moribund body, and gave this measure the appearance of being but transient. They ought at any rate to say, that there should be sufficient time given to the commissioners, and the full power requisite to the adequate discharge of their important duties, and not give the impression that they were discountenanced and distrusted by Parliament. A great deal had been said by Gentlemen in that House respecting the arbitrary and despotic power of these commissioners; that was insisted on as a reason why the House should confine their power to so short a time as one year. He must deny that the commission did at all deserve the appellation of "despotic" or "arbitrary." The powers of the commissioners were large, because their duties were serious and comprehensive. But the question for the House to decide upon was, were those powers more than sufficient for the duties which they imposed on the commissioners to discharge? When Gentlemen talked about "arbitrary" powers, he understood by that word something that was subject to no legal or other limit. He asked Gentlemen to say if the power of the commissioners was so unlimited? Why every part of the power of the commissioners was derived from the Act of 1832, and one or two less important acts since passed. Their power under every one of these acts was subject to revision by the Court of Queen's Bench by the processes known to the law. Not only that was the case, but every decision of the Poor-law Commissioners was liable to be disallowed by the Queen in Council. Not only did these legal securities exist, but let them look at the moral restraints under which the commissioners exercised these powers. All their acts were necessarily public; open to the most rigid criticism—open to a criticism which to say the least of it was severe and searching, not to say acrimonious. Then every one of the powers of the commissioners was of a severe and restrictive character; every one of their powers was liable to bring them into collision with persons of activity and station, and to create them enmity in all quarters. And, moreover, in the event of misconduct on their part, there was no authority in the state which could hope to find so little favour. If Gentlemen considered these things, and would only confine their attention to the real nature of the case, and to the legal and moral restraints under which the powers of the commissioners existed, he thought they would see that they were not deserving of the appellation of "arbitrary and despotic." If the powers of the commissioners were arbitrary, he should like to know what Gentlemen would say of the powers of justices of the peace, to construe upwards of a hundred different Acts of Parliament, and to the construction they put on them being looked on in the most indulgent manner in the courts of law. But the House would recollect, that if they destroyed the commission, they must give either to justices of the peace, or to guardians, or to the Secretary of State, if they pleased, the power of making these subordinate regulations which now vested in the Poor-law commissioners. That power was requisite for carrying out the law. Under the old Poor-law the same power was exercised by a vast variety of inconsistent authorities, without the public having any power to check their abuses. He would put it to the House whether there was not a vast security in the commission for the avoidance of everything that was mischievous, and for the enforcement of the real and true intent of this important law. He did say that the House would not be doing justice to its own intentions with respect to the power of the commissioners, if it did not continue the commission, and the law under circumstances favourable to their action, and if it consented to diminish the duration of the commission to any period less than five years. If the House acquiesced in any shorter term, the effect of it would be to paralyze the authority of the commission for good purposes much more than for evil purposes. The effect would be to create in the public mind an impression that these commissioners had not the confidence of Parliament; and any portion of those subordinate authorities who were now placed under their direction, had only to run the duration of their own life against that of the commission in order to contend successfully against its authority.

Mr. *Hodgson Hinde* confessed that he never was more surprised in his life than he was at what had just fallen from the hon. Member opposite; and, knowing the hon. Member's powers of arguing, the only conclusion he could come to was, either that the hon. Member had not read the Poor-law Bill, or that he had no knowledge of the practical working of it. The hon. Member denied that the powers of these commissioners were "arbitrary and despotic." On what ground was it that he founded that denial? He said that their acts were subject to the control of the Court of Queen's Bench. He should like much that that hon. Member would quote to the House any case in which it was possible to make these commissioners subject to that authority. The hon. Member also said that none of their orders became operative unless they were allowed by the Queen in Council. A very superficial knowledge of the proceedings of the Poor-law commissioners would convince the House that the ingenuity of the commissioners had very much exceeded that of the hon. Member. They had found out a way of setting aside the Queen and Council altogether. They had taken care that their rules should not come under the title of "general order" at all, and had yet applied them to every union. He begged also to draw attention to another fallacy of the hon. Member's speech relative to the great and arbitrary powers vested in justices of the Peace. He was not there to dispute with the hon. Member whether the powers of justices of the peace were arbitrary or not; but could not the hon. Gentleman draw a distinction between arbitrary powers of administering laws, and arbitrary powers of making laws? There were many faults under the old system of the Poor-laws. The law was frequently violated; but still the functionaries under the old law might have been called to account for such violation. He was not there to defend the old law. He had voted against the second reading of this bill; but if it had been thrown out then, it was a perfect fallacy to suppose that they could have fallen back on the old law. He felt perfectly sure, that had it not been for the general impression, that by rejecting that bill on the second reading, they would have induced a return to the old system, they would have had a very different division on that occasion.

Mr. *Wakley* had listened with the greatest astonishment to the speech made by the hon. Gentleman, the Member for London. That hon. Gentleman certainly could not be classed by the noble Lord among the mischievous demagogues of the metropolis. He really was at a loss in what class to place the hon. Gentleman. He was astonished at his speech. The hon. Gentleman was an advocate for the continuance of the commission for five years; but had the hon. Gentleman adduced one single argument to show that any benefit would arise to the country from that continuance? He had gone into general reasoning in the abstract, but where were the particular instances adduced to illustrate his theory, and show that the commission had worked well, or that it was likely to work well for the next five years? When the commission was established, it was understood that the new law was to create a new order of things. The law had been in existence ever since 1834, they were now in the year 1841, the commission had been created to insure uniformity, because the decisions of magistrates had been as checkered and various as they had been repugnant to common sense and the principles of humanity. But what had the commission done? Where were the general rules applicable to all unions? Was there a single one? No. As far as he could learn, not one general rule had been published applicable to all Poor-law unions. But the Poor-law commissioners had been at work; they had done something (plenty of mischief) he had heard, they had incorporated 13,000 parishes—how many more remained?—700. Now, trying the question by the rule of three;—if in six years they could incorporate 13,000 parishes, would it take five years more to incorporate 700? Why in the six years had they not incorporated the remaining 700? There might have been obstacles. Some had arisen, it was said, in the metropolis; all the metropolitan parishes had not been incorporated, thanks to the mischievous demagogues. He had often had reason to regret that no place existed in that House in which a Member, unconnected with either party, could sit quietly as a neutral. He had often felt great inconvenience from the absence of such a place. He for one had no longing desire to associate himself with noble Lords, and no doubt noble Lords had no wish to associate with him. He could assure noble Lords, that whatever contempt they might entertain for him, however they might doubt the statements made by him, and discredit what he advanced in that House, he could, without any ill humour, sincerely return the compliment. It was most unfair of the noble Lord in the observations which he had made in the House to throw out any insinuation against the veracity of a person who, in point of family, was the noble Lord's inferior—a man who held a seat in that House, unpurchased by family influence and family intrigue. By such conduct as that the noble Lord had not shown disrespect to him, but to those who sent him there, and proved that he had yet a lesson to learn in what constituted true liberty. True it was that his family had not cost so much to the nation as that of some, who, if their weight in that House were in proportion to the weight of public metal which had found its way into their pockets, would most surely be entitled to great respect. It was neither consistent nor manly, in the noble Lord to throw out insinuations against an individual who had been the architect of his own fortune. He hoped, however, that the majority of hon. Members would be disposed to try him by his conduct in that House. Which of his statements, let him ask, had been refuted? The noble Lord asked, had they been substantiated? He said yes, by remaining uncontradicted. There were enough concerned in contradicting them to have refuted them, if they had been untrue. In making his statements he had kept within bounds. He had not made half the representations which it was in his power to make. He could securely say that he had made no statement for the purpose of obtaining a miserable and grovelling popularity. Any attempt of the kind he was sure would meet with an effectual check in that House. What he had stated that night had an immediate bearing on the continuance of the commission. For the accomplishment of what objects was that body created? Was it intended that by exercise of their functions the poor were to be benefited, or were they to be coerced? Were the guardians created for the exercise of cruelty on the one hand, or liberality on the other? Where was evidence to be found of uniformity of system? No sooner did one hon. Member get up to make a statement of a particular case of cruelty, than up started another hon. Member to state, that no such thing had ever happened in the union of which he was a guardian—in his union all parties were quite delighted with the system. The hon. Gentleman, the Member for Sheffield, had given an account of what passed in his union, and from his statement and that of other hon. Gentlemen it might be presumed by the House and country that an uniform system prevailed. He held in his hand a list of "amended workhouse rules," dated August, 1840, in which he found special reference to the matters under discussion at the present moment. He would read the part relating to the power of medical officers with respect to making arrangements for the sick. One hon. Member had stated that the medical officer had power to order anything he pleased for a pauper for a week. What said the rules? Were the commissioners to be tried by their own rules, or by the statements of guardians: in the seventeenth rule he found.

> "The paupers of the respective sexes shall be dieted with the food, and in the manner described in the dietary table hereunto annexed, marked B, and in no other manner."

Then came a proviso—

> "Provided, however, that the medical officer may direct in writing such diet for any individual pauper as he shall deem necessary; and the master shall report such direction to the board of guardians, who shall sanction, alter, or disallow the same at their discretion."

[*Hear, hear.*] Very well—hear, hear. Now observe, a medical practitioner had a patient under his care, afflicted with some exhausting fever or abscess, day by day draining his strength, and threatening his life; the most imminent danger would be incurred by delay. Under these circumstances the surgeon orders port wine —as would be done in the case of criminals—mutton and rich broths, jelly; could the master of the workhouse keep these things? No such thing, he could not. Here was the evidence of the master of the Basford Union:—

> "Mr. Johnson, governor of the Basford-workhouse, was then called by the magistrates, and deposed, that the board of guardians had made an order that no wine, ale, beer or stimulents should be given without the sanction of the board."

This was on their own book, it was not denied; "and that the auditor" acting, be it observed, under the immediate authority of the commissioners—

> "Had told him that if any wine, spirit, or liquor, were given without the previous sanction of the board, the charge would not be allowed in his accounts.'

Was not that an answer? What he complained of was, that the law was whatever the commissioners pleased to make it; for the guardians were entirely under their authority. If they were not satisfied with that, let them look at the interference of the commissioners with regard to diet proved by the 17th rule of the work to which he had already directed their attention. In this rule he found the following:—

> "Provided also, that if the medical officer shall at any time certify, that he deems a temporary change in the diet essential to the health of the paupers, the guardians shall cause a copy of such certificate to be entered on the minutes of their proceedings, and shall be empowered forthwith to order by a resolution the said diet to be temporarily changed, according to the recommendation of their medical officer, and shall forthwith transmit a copy of such certificate and resolution to the Poor-law Commissioners, for their approval."

That was the second provision; but he would entreat the attention of the House to the provision in the first, to which no answer had been given—namely, that the recommendation of the medical officer could not be carried into effect until it had been laid before the board of guardians. ["*No, no.*"] He spoke only of what was laid down in their own printed rules. He would read them the evidence of a surgeon with reference to a man who had died from exhaustion—in short, from starvation. He stated—

> "I should have given him spiced port wine but that I had no power to do so, because there was an order of the board which precluded me."

The effect of that order was, that if a man were taken ill on a Tuesday, the surgeon had no power to administer these necessaries until the board authorised him on the following Tuesday. He was prepared to contend that this was in strict conformity with the resolutions of the commissioners which he had quoted. ["*No, no.*"] The hon. Gentleman shook his head, but he held in his hand the printed rule. What followed? Referring to the minute book, he found that wine was prohibited without special order—in several cases it had been refused. Seeing, then, what had been the practice of the commissioners—seeing the confusion to which the present system had given rise—that it had produced disorder in the place of uniformity—for what purpose were these commissioners to be fastened on the country for five years longer? The people looked to that House, and not to the Poor-law commissioners. He besought them, then, not to leave this question to the triumvirate, but to undertake it themselves. How could they expect justice to be done if they shrank from their duty? They were not treating the question in a manly and consistent spirit. If they were really desirous of establishing an uniform law, let them set down that law in their own hands, let them set it down in the statute-book, where it might be understood and administered by the judges of the land. The present bill went on a mean pettifogging system, unworthy for a great country to receive, and unbecoming a great assembly to impose. If they knew what should be done, why not make a law themselves in conformity with that knowledge? If they—658 men of all states and occupations—necessarily well acquainted with the people, did not possess sufficient information to enable them to come to a decision on this question, how could they expect the commissioners to possess the knowledge of which they confessed themselves deficient? Under these circumstances it was their duty to make the duration of this commission as short as possible, so as not to leave in the undisturbed possession of power an irresponsible body, whose previous conduct had given nothing but dissatisfaction to the country.

Mr. *Hawes* said, that having from the commencement given his most earnest support to the Poor Law Bill, and having since attentively watched its operation, no fear of odium would induce him to swerve from the course to the justice of which all his experience gave increased weight. He entirely concurred in the sentiments expressed by the noble Lord the Member for Northumberland, the noble Lord the Secretary for the Colonies, and the hon. Gentleman the Member for the city of London. He must say that those Gentlemen who had testified their disapprobation of the principle of the bill by voting against the second reading had failed to shew what they proposed to substitute in its stead. Mr. Canning had declared that, looking at the extent and complication of interests which surrounded a poor-law, no Government could be held culpable for leaving the subject untouched. In 1830, not long before the introduction of the Poor Law Bill, a noble Lord (then Mr. Baring) declared that he saw no means of coping with the increasing demoralization resulting from the existing system of poor laws. The question of economy was the least important part of the amendment of the poor-laws; the most important part of the bill was that which created a control over the administration of relief, not indeed with reference to any saving effected in the relief to the paupers themselves, but with reference to those who used to live upon the fund intended for the relief of pauperism. The great saving that had been effected arose not from any contracting of the comforts of the poor, but from putting down jobbing, and diverting the administration of the poor-law fund from its legitimate purposes by a mass of interested persons. He knew from experience that the strongest testimony had been borne to the benefit conferred by the new poor-law, by persons connected with distilleries and breweries, who stated that a large saving had accrued to the country, which saving they measured by the losses they had sustained. The hon. Member for Finsbury had described the workhouses as gaols, and had called the workhouse test a torture. He knew what the workhouses were under the old and under the present system, and he declared solemnly that the old workhouses might justly be called places of torture. The aged and the young, the vicious and the virtuous, were huddled together without order or classification, and that was the system to which some hon. Members seemed anxious to return. Well, perhaps, hon. Gentlemen would not wish to go back to the old law, but then they proposed to demolish the only system that could at all wrestle with the evils of the old system. When he had gone home the other evening, after the speech of the hon. Gentleman the Member for Finsbury, he remembered having on one occasion passed the account of a relieving officer, and the circumstance of that case appeared to him an answer to the hon. Gentleman. The circumstance to which he alluded occurred at Richmond, in the county of Surrey. The account was passed as a matter of course. No one ever admitted that the medical officer should be restricted, unless reasons existed which induced a belief that he was abusing the trust reposed in him, by perverting that which had been granted for the sake of the poor to unworthy purposes. "Expenses attending the support of Anne Phipps: eight weeks extra diet at 4*s.*—1*l.* 12*s.*—besides wine, brandy, arrow-root, sago, and isinglas." This was an answer to what had been stated by the hon. Member for Finsbury in reference to medical relief. Was this like cruelty, or indifference, or starvation, or would such advantages have been obtained under the old system? He would come to that which, in his opinion, was the great justification of the new law—namely, that it provided public responsible officers, and because the acts of these officers could be identified with the acts of the Government. A degree of intense interest attached to the administration of the Poor-law, compared to the interest that it excited when its administration was scattered among many thousands of irresponsible persons. The ground on which he defended the Poor-law commission was this, that for the first time the administration of an enormous fund, amounting to between five and six millions, was placed in the hands of responsible officers; and from the moment it was placed under the control of persons responsible to Parliament, it had been cleared of the abuses of the large number of persons who had an interest in the old system, and lived upon it. Under the old system there were 14,000 or 15,000 independent bodies with whom the House had no means of dealing, and what was the result? The right hon. Baronet, the Member for Tamworth, had read a most striking statement to show that increase of relief caused increase of distress; and in one particular parish, such had been the effect of an increase of poor-rate, that they had swallowed up the whole rent of the parish, causing, of course, general destitution. The hon. Member for Finsbury had stated that no practical benefit had been derived from the new Poor-law. Was there no improvement in the condition of the people? Was there nothing in the attention now given to the education of the people? Was there nothing in the attention now given to the dwellings and the sanatory state of the poor; matters that had never been meddled with until the administration of relief was entrusted to responsible officers. He believed, for his own part, that under the new Poor-law, wages had risen, and that more attention was given to the moral and physical condition of the poor, than at any former period of history. It was stated that in Scotland, where the administration of relief was in irresponsible hands, the system worked well. Would any hon. Member venture to take credit for the state of the poor in Scotland? He had been over the greater part of the capital of Scotland, in company with a distinguished physician, and he declared that he had never met such a mass of misery and distress. In fact Scotland was fast sinking under the consequences of the neglected state of the poor, and there was fast spreading a demand for something similar to the amended Poor-law in England. With respect to medical relief, he contended that in all cases of emergency there was a direct power to order relief. By the 54th section of the act, he found that a justice of the peace even was empowered to give an order for medical relief in cases of sudden and severe illness. Did the same facilities exist under the old law? No. The system of medical relief under the old law was the most opprobrious part of it. A great deal had been said about the effect of the new law in forcing families into the workhouse. Were the gentlemen who made these statements aware of the extent to which out-door relief was at present granted? Why, four-fifths, in point of value, of the relief given was out-door relief. If gentlemen wished the proportion greater, let them abolish workhouses altogether. At present the number of in-door paupers was 126,590, while the number of out-door paupers was 818,632. There was one other fact of the new Poor-law he wished to call the attention of the House to. He understood that those hon. Gentlemen who disapproved of the new Poor-law were anxious to revert to an improved system, founded upon the old law. Those hon. Gentlemen had not stated what this improved system was to be, but he must say that he could see no security for the continuance of any system unless there was some superintending control. He knew that under the old system, individual parishes were well administered; but that depended upon the accident of the persons in office directing relief; and when the officers were altered, the chances were that the system would be altered. Take away the superintending control, and they would take away everything that gave security and stability to the system. He defended this bill entirely upon popular principles. It was the only mode of securing the right administration of an enormous amount of money; and as to the complaints made by the hon. Member for Finsbury, he must say that he had been much amongst those most deeply interested in the good administration of the Poor-law, and he had never heard a single person ascribe to the operation of the new Poor-law the harshness of which the hon. Member for Finsbury had spoken. If that hon. Member had read carefully the accounts of the operation of the old system, and those of the present system, he would no longer doubt the benefit of the change that had taken place. What popularity or unpopularity might attach to this question had nothing to do with him. He did not hold, and he did not wish to hold a seat in that House upon any such tenure. If he deemed a measure one which he could defend upon principle, and for the vindication of which he could refer to its effects, he trusted that as long as he had a seat in that House he should on all occasions take an independent course, and from that course, cost what it would, no consideration of popularity or unpopularity should induce him to depart.

Mr. *T. S. Duncombe* said, that his hon. Friend who had just sat down said that he defended the large, and he must add, despotic power of the Poor-law commissioners, on popular grounds. Now he, if he had his will, would not allow these commissioners to hold their office for one day longer than by the existing law they were entitled to do; and that upon popular grounds, also, as he believed. He believed that if there was any one principle more popular with Englishmen than another, it was that of self-government, and this was a principle which many hon. Gentlemen in this House would find too strong for them when they came to a general election. He had listened with great attention to the speeches of the hon. Members for London and Lambeth, but he must say that he had not heard a single word fall from either of them to induce him to give his support to the continuance of this commission for five years. If the speeches of his hon. Friends went to anything, they went to this— that it was impossible that this law could ever be carried out without the assistance of a central board. The question then was this; commission, or no commission; and if there was to be a commission, it must not be for five years, or any limited period, but in perpetuity. Then why had not the noble Lord at once said, candidly, that five years would not be sufficient? Why had he not called for a perpetual commission, without which his enactment could not be carried out. Why the commissioners said as much themselves, in their report for last year, which was drawn up in language so unpretending, so modest, and withal so complimentary to the legislature of this country, that he could not help reading to the House a few passages from it: — The hon. Member read the following passage from the Poor-law Commissioners' report for 1839.

> " It is not for us to justify the determination of Parliament, in devolving upon the Poor-law Commissioners a power of subordinate legislation. We may, however, venture to remark, that if such justification were needed, it might easily be found. The Parliament of this vast empire, having not merely the affairs of Great Britain and Ireland, but also of the colonies, and the dominions of the East India Company to attend to, is occupied with the establishment of general legislative rules, and cannot afford time for entering into the minute details of parochial regulation." . . .

The Poor-law Commissioners then told the people of England, that they were unworthy of the regard of this House; that it had no time to attend to them; that its business was, to vote charters for the East-India Companies, and pensions for their generals, but they were not to occupy their time with the affairs of their poor fellow-countrymen. The hon. Member for London declared, that the powers of these commissioners were not of an arbitrary character; but, upon this point, what said the commissioners themselves? They said,

> " There is, moreover, in this country, another advantage in the interposition of an authority between Parliament and the people."

So that these commissioners, in fact, constituted a fourth estate; they were to be something between this House, which ought to be the reflex of the public mind, and the people; but he maintained, that the power which had been reposed in the hands of the representatives by the people, could not be delegated by them to others. Again the commissioners spoke as follows, in a strain by no means complimentary to this House:—

> " The style for the composition of Acts of Parliament, which has been consecrated by usage, renders them hardly intelligible to persons who have not received a professional education, or who have not, by frequent study, become familiar with their peculiar language."

Being so satisfied of the inefficiency of Parliament, and of their own great skill, they assumed to be the interpreters of the wishes and meaning of Parliament. They said

> " Hence it is convenient that some competent authority should expound the intentions of the Legislature to the public." . . .

But how had the commissioners acquitted themselves in this matter? Was there nothing but perspicuity in their own Act? Why there were some clauses in this measure which they had drawn up, which he undertook to say his learned Friends below him would find it difficult to explain, and the commissioners who would have to expound them would, no doubt, put one construction upon them at one time, and another at another. But why, he would ask, should there be commissioners to expound this law only; why not a commission to superintend the working of every other important measure? The Municipal Reform Act, for instance, which had already given rise to so much doubt and litigation; why was there not a commission of three lord mayors to expound that measure? For his own part, he really thought that the Poor-law Act would work much more satisfactorily without this commission than with it. Let the matter be left to the good sense of the guardians; they were generally gentlemen of standing and experience in the counties or districts, and he could not believe that they were such ideots as not to be able to understand, and carry into effect, a measure of this kind. He would ask, for instance, did the House believe, that the noble Lord, the Member for Northumberland, or the hon. Member for Halifax, or any other Gentleman who had addressed the House this evening, was so ignorant on this subject as to require the assistance of the central commissioners? He believed that it was the wish of the gentlemen of England to administer this law beneficently and humanely, and that whenever the commissioners interfered, it was on the side of strictness and severity. The hon. Member for Lambeth had quarrelled with his hon. Friend and Colleague, because he had called the workhouses places of torture. He, however, would still maintain that they were so. The House had already heard complaints of the Richmond Union; he would now beg to refer them to another case, which came from Richmond, in Yorkshire. He held the case in his hand, and the particulars were as follows:—Thomas Stephens, the master of Richmond workhouse, was charged before the magistrates by Sarah Price with having assaulted and ill-used her. The clerk of the Union attended the summons, and contended that the defendant was justified in what he had done, by the rules of the commissioners, and the orders of the board of guardians. He (Mr. Duncombe) would not read the particulars of the charge, but he would read the opinion expressed upon it by the magistrate, at the conclusion of the inquiry, which extended to two days. The magistrate fined the defendant 20*s*., and, in doing so, made the following observations:—

> "I cannot refrain from expressing my opinion, that the defendant has not conducted himself in such a manner as he ought to have done; he ought not to visit the rooms of the female inmates after they have retired for the night, that being the especial duty of the matron. Nor ought he to have used the indelicate threat of taking the complainant, naked as she was, down to the cell below. Neither should he have put her into that cell, or stopped or altered her diet without an order warranting him in so doing; nor ought he to have beaten the children, particularly the child at the breast of the complainant, in the way he was described repeatedly to have done."

Now, would any one who heard these observations, say, that places where such proceedings went on, were not places of torture? How, he would ask, were they to expect that the poor of England would be content to go themselves to such places, or to send their wives and daughters where such practices as here referred to were permitted? And what satisfaction was it to this poor woman that this person was fined 20*s*.? He did not believe, that under the old system, anything half so bad had ever taken place; and it was a disgrace to the country that it should ever have been perpetrated. Witness also the case referred to by the hon. Member for Bridgwater. He would ask what was the use of the central board in that case? Dysentery had broken out in the union, and the board of guardians wished to give rice instead of gruel, and they wrote to the commissioners stating that request. Their application was made in October, and the answer was not received till April; and in the interim fifty persons had fallen victims to the disorder. He did not believe that there was any use at all in this commission; he believed, on the contrary, that the law would work very well without its interference, and that experience showed that where it had worked well the commissioners had interfered the least. With these opinions, he should certainly vote against the continuance of the unconstitutional, the expensive, the arbitrary, and despotic powers of these commissioners for a single hour longer than the present law justified.

Mr. *Darby* was against voting the continuance of this commission for a certain number of years, until ke knew what the provisions of the bill were to be by which it was to be empowered. If the bill were to be amended in committee, as he hoped it would be, he should have no objection to vote for the period proposed.

Mr. *C. Hamilton* said, he should support the continuance of this commission, but for the shortest possible period. He would not be a party to handing over the poor of England to any set of men whatever. As the chairman of a board of guardians, he must say that all the rules of the commissioners were of a stringent and harsh nature, and that there were too many guardians who were willing to give full force and effect to these harsh regulations. He thought it might be necessary that the office of these commissioners should be continued; but he thought also, that their duration in office should be limited to two years at the utmost, in order that Parliament might exercise a proper control over their proceedings. He agreed with the hon. Member for Lambeth, that nothing could be worse than the old system of Poor-law, and that to it they never could or ought to return. But was that any reason why they should adopt the whole scope and force of the measure now offered them? In one material point the New Poor-law had entirely failed to produce the result which was promised from it: namely, the raising of wages and the bettering of the condition of workmen. So far from this having taken place, he maintained that wages had suffered a decrease in consequence of this enactment, and the reason was obvious, that the people, rather than undergo "the test," as the new system was called, would work for any wages they could get. The fact was, that the framers of this enactment thought too much of themselves, and not enough of the poor; the whole bill was "ratepay"—"ratepay;"

nothing else seemed to be thought of. He did not wish to throw any factious opposition in the way of this bill, but he trusted it would be very materially amended in committee.

Sir G. *Strickland* had always looked upon the Poor-law commissioners as a necessary evil, and he hoped that they would not be required much longer. He must say, however, that he was rather disappointed at the result of the seventh year's experience they had had of the working of this measure. He knew that the former law was full of errors, and subject to great abuses, and that it could never under any circumstances be resorted to again. He wished, therefore, to see the present law made permanent and efficient, but he feared that would not be effected by commissioners; he thought it could only be accomplished by renewed legislation, and increased care and attention on the part of the guardians. In the mean time, he was desirous that the conduct of the commissioners should be brought frequently under the scrutiny of Parliament, and therefore he would vote for the continuance of the shorter period proposed.

Mr. *Villiers* said, that he had listened with great anxiety to what had been said on this question of continuing the commission, for he certainly was entirely without interest or prepossession either one way or the other; and for one, he was as ready to vote against it as in its favour if it was shown to work ill; but really, after listening with all his attention to the different speeches that had been made, he only felt himself more confused on the matter than before. To the two Members for Finsbury he gave his peculiar attention, from the prominent part they had taken on the subject, but from them he certainly had learnt little; for while the first Member for Finsbury that had spoken said the law was a sanguinary law which disgraced the statute-book, and which nothing could recommend, the other Member for Finsbury said it was a good law, or one that worked well, and was objectionable only on account of the commissioners. Again, he had attended to the facts or the evidence adduced against the bill, and he heard that while one Member referred every abuse and evil to the board of guardians, the next traced all the mischief to the control to which the board was subject under the commission; and the hon. Member for Aylesbury, who preceded him, while avowing his mistrust of the commission, and entering fully into the jealousy of their power by the board of guardians, complained of the bill because he saw nothing but the interest of the rate-payers who elected the guardians consulted throughout. Now really, amidst these contradictory views and inconsistent arguments, he hardly knew what to conclude from the debate; and not seeing any necessary connection with the cases mentioned, and the existence of the commission, he was obliged to consider what had led to its establishment, and what evils it had been intended to correct; and that involved the principle of the commission and the conduct of the commissioners. Now, with regard to the commissioners, he should be as ready as any man to vote for their dismissal, or to visit them with punishment, if it could be shown that they had been guilty; but really it had not been said that in the discharge of their duty they had been unfaithful or negligent. Did any one say that they had not lent a ready ear to any remonstrance made against their rules? Did any one say that they had protected any negligent or culpable officer under their authority? Had they caused any of the evils that had occurred? [Mr. *Wakley*: "Bridgwater!"] The hon. Member says "Bridgwater." Well, if they were to blame there, he did not stand there as their champion. He could not condemn them unheard, and he supposed that they would give an explanation of the case if required. As the hon. Member for Bridgwater stated the law or the regulation, he thought he was wrong, for he believed guardians had a discretion in cases of disease to change the diet; however, let the present men be dismissed if they had behaved ill, but that would still leave the question of the principle and purpose of the commission untouched; for though it was said that such a commission was unconstitutional, he really hardly knew what that meant. It seemed to him that it was pretty much what any body did not like at any time that they called unconstitutional. For really, men appointed by the Crown, paid by the Commons, whose salaries were voted annually, and whose proceedings were reported to the House every Session, did not seem to him a very dangerous power, and not more so than some of the oldest institutions in the country. But what was the reason for appointing the commission? Why, if he apprehended it rightly, it proceeded upon the experience which they had had of leaving to every different parish in the country the power to deal as it pleased with what was called its own poor, and which showed that there should be some power of appeal, some independent power, that should control and check abuses which might be sanctioned by local authority. Having himself devoted some time to inquire into the operation of the old law, he could state, from what he met with, that there did exist before the new bill passed a very general feeling and opinion that the parochial system had failed, and that the interests of so large a number of fellow-beings as the destitute poor of this country should be the immediate subject of care and cognizance by the State. Many intelligent and benevolent persons, indeed, then thought that there should be a national provision for the poor, and that the interest and well-being of the poor should no longer depend upon the casual parochial authority that might be chosen for the purpose. It was, indeed, the general feeling, that responsible, competent, and independent men should be selected to administer the public relief for the poor. He could not, indeed wonder that this feeling should have prevailed, when he heard of the cases that people in the country were familiar with. Why, what effect would the hon. Member for Finsbury have been able to produce, had he been able to say that he had seen fine able-bodied men standing in the square of a market-place, like cattle in a fold, and placed there to be hired like beasts, at 3*d.* and 4*d.* a-day, what more they required to support life being given by the parish? What would the hon. Member have said, had he lately seen paupers brought in after a vestry dinner, at the expense of the parish, and put up to auction, for the vestrymen to bid for while drinking at their table?—a case of which, he was informed, was of monthly occurrence in one parish, and of which they should never have heard but for the inquiry, and which never could recur on account of the commission. Why, in the neighbouring district of the borough he sat for, he was told that the poor used to be farmed by a pauper, and their horrible treatment was what might have been expected; and in the next district to that, the female paupers were found to have been all impregnated by the master of the workhouse, who used thus to conduct himself without control. And these, as everybody knew who had inquired into the matter, were no solitary cases, but only specimens of the vice, cruelty, and corruption which prevailed under the old system. Now he did not say this to prove that the new system was perfect, nor did he charge any of those who did not agree with him with the wish to return to the old system; but he mentioned it to show what might and would occur if there was no superintending power. He then thought that the case had been made out for the interference of the State, and for greater attention being paid by the general Government to the interests of the poor than there had been; and he saw in this commission nothing but the recognition of this principle. He thought then, on this view, that the clause of his hon. Friend did not meet either of the points involved in the question; for if the commissioners were unfit persons, they had been in commission long enough for that to be known, and they ought to be dismissed directly. But if the principle of a superintending power was sound, then he could see no reason for limiting it for two years, and this being at present the only question before the House, he should say nothing further upon it.

Mr. *W. Attwood* said, that the advocates of the present system were driven to the necessity of reverting to the worst abuses of the old law for a defence which certainly was not a very high compliment to the present law. All the advantages promised by the supporters of the new system—the improved condition of the poor, and the economical savings to be effected, were now abandoned, and the only argument urged in favour of the present system was a fear of reverting to the evils of the old one. The immediate question, however, just then before the House was as regarded the duration of the commission, and he with others did not think that sufficient reason had been shown for vesting in the commissioners, for so long a period, powers which it was admitted could be abused. No argument had been adduced to show why the House, instead of appointing the commission for five years, should not retain in its own hands a power of revision. The Member for Somerset, who was one of the committee which sat on the question of the Poor-laws, had stated, that many suggestions and recommendations had been made by the committee, none of which had been adopted or acted upon by the commissioners. Now the simple question was, whether, after the many statements of abuses which had been made by hon. Members on both sides of the House, abuses of a frightful nature, and evils of a most alarming kind, from which it was the duty of that House to protect the poor—whether, after these statements they would not adopt the only remedy which presented itself, namely, limiting the power of the commissioners? It was argued in the debate, that the House retained the power of controlling the assistant-commissioners when their salaries came to be voted. Then why object to retain a control over the commissioners by shortening the duration of their appointment?

Mr. *Hutton* was of opinion that the period of the commission should be extended for the purpose of carrying the new Irish Poor-law into effect. Of 130 unions in Ireland there were only fifteen at present in operation, and the guardians would for some time require instructions from the commissioners, in order to acquire what was of so much importance—uniformity of action throughout the various boards.

Mr. *B. Wood* said, he could not vote for the continuance of the commission, if the immense establishment of assistant commissioners was to be still kept up. He thought it was their conduct that made the Poor-law unpopular; and that if the guardians were in direct communication with the commissioners it would be all the better.

Mr. *Muntz* would like to hear some reason adduced for continuing the power of the commissioners for five years, for it had not yet been shown what benefit would be derived from the continuance of the commission either to the public or the poor. The hon. Member for London indeed said, that a shorter period would lead to discussion and unnecessary excitement, but by urging the same argument it might be proposed to grant the supplies for the five ensuing years, or pass the Mutiny Act for the same period. Until some reason was given he did not well know how he should vote.

The committee divided on the question that 1846 stand part of the clause:—Ayes 174; Noes 135: Majority 39.

List of the AYES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Captain
Adam, Admiral
Alston, R.
Antrobus, E.
Baring, rt. hn. F. T.
Baring, hon. W. B.
Barnard, E. G.
Bentinck, Lord G.
Berkeley, hon. H.
Berkeley, hon. C.
Bethell, R.
Bewes, T.
Blake, W. J.
Botfield, B.
Brabazon, Lord
Bramston, T. W.
Briscoe, J. I.
Buller, E.
Bulwer, Sir L.
Busfeild, W.
Campbell, Sir. J.
Cavendish, hon. C.
Cavendish, hon. G. H.
Cayley, E. S.
Chalmers, P.
Clay, W.
Clayton, Sir W. R.
Clive, E. B.
Clive, hon. R. H.
Compton, H. C.
Corbally, M. E.
Craig, W. G.
Cripps, J.
Dalrymple, Sir A.
Divett, E.
Duff, J.
Duncan, Viscount
Du Pre, G.
Egerton, Lord F.
Eliot, Lord
Elliot, hon. J. E.
Ellice, rt. hon. E.
Ellice, E.
Evans, W.
Ewart, W.
Fitzalan, Lord
Fitzpatrick, J. W.
Fitzroy, Lord C.
Fleming, J.
Fremantle, Sir T.
Gisborne, T.
Gladstone, W. E.
Glynne, Sir S. R.
Gordon, R.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Greene, T.
Grey, right hon. Sir G.
Grote, G.
Handley, H.
Harland, W. C.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Heathcote, Sir W.
Hill, Lord A. M. C.
Hobhouse, T. B.
Hogg, J. W.
Holmes, hn, W. A'C.
Horsman, E.
Howard, hn. E. G. G.
Howard, F. J.
Howard, P. H.
Howard, Sir R.
Howard, hn. C. W. G.
Howick, Viscount
Hume, J.
Hutt, W.
Hutton, R.
Jermyn, Earl
Knight, H. G.
Labouchere, rt. hn. H.
Langdale, hon. C.
Lemon, Sir C.
Lennox, Lord A.
Loch, J.
Lushington, rt. hn. S.
Manners, Lord C. S.
Marshall, W.
Marsland, H.
Martin, J.
Master, T. W. C.
Melgund, Viscount
Mildmay, P. St. J.
Miles, W.
Miles, P. W. S.
Milnes, R. M.
Molesworth, Sir W.
Mordaunt, Sir J.
Morgan, O.
Morpeth, Viscount
Murray, A.
Muskett, G. A.
Neeld, J.
Noel, hon. C. G.
Norreys, Lord
Norreys, Sir D. J.
O'Ferrall, R. M.
Ord, W.
Pakington, J. S.
Parker, J.
Parnell, rt. hn. Sir H.
Patten, J. W.
Peel, rt. hon. Sir R.
Philips, M.
Philips, G. R.
Pigot, rt. hon. D.
Plumptre, J. P.
Price, Sir R.
Pusey, P.
Rawdon, Col. J. D.
Rice, E. R.
Rich, H.
Rickford, W.
Rose, rt. hon. Sir G.
Round, C. G.
Rundle, J.
Rutherfurd, rt. hn. A.
Salwey, Colonel
Sanford, E. A.
Seymour, Lord
Shaw, rt. hon. F.
Sheil, rt. hon. R. L.
Slaney, R. A.
Smith, B.
Smith, R. V.
Somers, J. P.
Somerset, Lord G.
Sotheron, T. E.
Standish, C.
Steuart, R.
Stuart, W. V.
Stock, Mr. Serjeant
Strutt, E.
Style, Sir C.
Teignmouth, Lord
Thornely, T.
Townley, R. G.

Troubridge, Sir E. T.
Tufnell, H.
Tyrell, Sir J. T.
Verney, Sir H.
Villiers, hon. C. P.
Villiers, Viscount
Vivian, Major C.
Vivian, rt. hn. Sir R. H.
Wall, C. B.
Warburton, H.
Ward, H. G.
Welby, G. E.
White, A.
Wilshere, W.
Winnington, Sir T. E.
Winnington, H. J.
Wood, C.
Wood, G. W.
Wood, Colonel T.
Worsley, Lord
Wrightson, W. B.
Wyse, T.
Yates, J. A.
Young, J.

TELLERS.

Stanley, hon. E. J.
Maule, hon. F.

List of the Noes.

Ainsworth, P.
Archdall, M.
Attwood, W.
Bailey, J.
Bailey, J. jun.
Baillie, Colonel
Bainbridge, E. T.
Baldwin, C. B.
Bell, M.
Blackstone, W. S.
Boldero, H. G.
Broadley, H.
Broadwood, H.
Brocklehurst, J.
Brotherton, J.
Browne, R. D.
Brownrigg, S.
Bruges, W. H. L.
Buck, L. W.
Buller, Sir. J. Y.
Burroughes, H. N.
Canning, rt. hn. Sir S.
Cholmondeley, hn. H.
Chute, W. H. W.
Collins, W.
Courtenay, P.
Crewe, Sir G.
Darby, G.
Dashwood, G. H.
Dick, Q.
D'Israeli, B.
Douglas, Sir C. E.
Dugdale, W. S.
Duncombe, T.
Duncombe, hon. W.
Dundas, C, W. D.
Eastnor, Viscount
Eaton, R. J.
Egerton, W. T.
Ellis, W.
Evans, Sir De L.
Farnham, E. B.
Feilden, W.
Fielden, J.
Fellowes, E.
Filmer, Sir E.
Fitzroy, hon. H.
Fleetwood, Sir P. H.
Forester, hon. G.
Fox, S. L.
Gaskell, J. Milnes
Gladstone, J. N.
Gore, O. J. R.
Grant, Sir A. C.
Grimsditch, T.
Guest, Sir John
Halford, H.
Hall, Sir B.
Hamilton, C. J. B.
Hamilton, Lord C.
Hawkes, T.
Hector, C. J.
Henniker, Lord
Hinde, J. H.
Hindley, C.
Hodges, T. L.
Hodgson, F.
Hodgson, R.
Hollond, R.
Hope, G. W.
Hotham, Lord
Houldsworth, T.
Hurt, F.
Irton, S.
Jervis, S.
Johnson, General
Jones, J.
Kemble, H.
Knatchbull, right hon. Sir E.
Law, hon. C. E.
Leader, J. T.
Lowther, J. H.
Mackenzie, T.
Mackenzie, W. F.
Mahon, Viscount
Marton, G.
Maunsell, T. P.
Monypenny, T. G.
Morris, D.
Muntz, G. F.
Owen, Sir J.
Packe, C. W.
Palmer, R.
Palmer, G.
Parker, R. T.
Pechell, Captain
Pigot, R.
Polhill, F.
Pollen, Sir J. W.
Pollock, Sir F.
Powell, Colonel
Praed, W. T.
Rae, rt. hon. Sir W.
Richards, R.
Rolleston, L.
Round, J.
Rushbrooke, Colonel
Rushout, G.
Sanderson, R.
Scarlett, hon. J. Y.
Scholefield, J.
Sheppard, T.
Sibthorpe, Colonel
Smith, G. R.
Smyth, Sir G. H.
Smythe, hon. G.
Spry, Sir S. T.
Stanley, E.
Strickland, Sir G
Tancred, H. W.
Trotter, J.
Turner, E.
Turner, W.
Vere, Sir C. B.
Vivian, J. E.
Waddington, H. S.
Walker, R.
Wilbraham, G.
Wilbraham, hon. B.
Williams, W.
Wilmot, Sir J. E.
Wodehouse, E.
Wood, Colonel
Wood, B.
Wynn, rt. hn. C. W.
Yorke, hon. E. T.

TELLERS.

Easthope, J.
Wakley, T.

Mr. H. Hinde moved, that after the words, "the year 1846," the words "and no longer" should be inserted.

The *Attorney-general* objected to the amendment, as being an attempt on the part of the House to prevent any future House of Commons from continuing the duration of the commission.

Mr. *Hinde* would withdraw the amendment, although he could produce precedents of similar motions. He was of opinion that if the words were added to the clause, the people would have more confidence in the law.

Viscount *Howick* said, he wished to correct a misstatement which had been made by several hon. Members that night, to the effect, that in 1834 the duration of the commission was recommended to be for five years and no longer, whereas it was the decided opinion of the commission, at the head of which was the Bishop of London, that the commission should be of a permanent character, and the bill, as introduced by the Government at first, was to the came effect. When it was agreed that the commission should terminate at the expiration of five years, it was never contemplated that it should cease at that period, but merely that the House should then have an opportunity of reconsidering the question.

Colonel *Sibthorp* said, that it was his intention to move on a future day (Friday) the reduction of the salary of the Poor-law commissioners from 2,000*l*. to 1,000*l*. per annum, and the assistant commissioners from 700*l*. to 300*l*. per annum. He thought three guineas a day was extravagant pay for their travelling expenses, and he should accordingly move, that it should be reduced to one guinea per day.

On the question that the clause as amended stand part of the bill, the committee again divided:—Ayes, 163; Noes 49; Majority 114.

List of the AYES.

Acland, Sir T. D.
A'Court, Captain
Adam, Admiral
Alston, R.
Antrobus, E.
Bailey, J.
Baring, rt. hon. F. T.
Baring, hon. W. B.
Basset, J.
Bentinck, Lord G.
Berkeley, hon. H.
Berkeley, hon. C.
Bewes, T.
Blake, W.
Botfield, B.
Brabazon, Lord
Bramston, T. W.
Brownrigg, S.
Bruges, W. H. L.
Buller, E.
Busfeild, W.
Campbell, Sir J.
Canning, rt. hn. Sir S.
Cavendish, hon. C.
Cavendish, hon. G. H.
Chalmers, P.
Cholmondeley, hn. H.
Clay, W.
Clayton, Sir W. R.
Clive, hon. R. H.
Compton, H. C.
Corbally, M. E.
Craig, W. G.
Darby, G.
Divett, E.
Duff, J.
Duncan, Viscount
Dundas, C. W. D.
Du Pre, G.
Eliot, Lord
Elliot, hon. J. E.
Evans, W.
Ewart, W.
Fellowes, E.
Filmer, Sir E.
Fitzalan, Lord
Fitzroy, Lord C.
Fleming, J.
Fremantle, Sir T.
Gisborne, T.
Gordon, R.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Greene, T.
Grey, rt. hon. Sir G.
Grote, G.
Handley, H.
Hawes, B.
Hawkins, J. H.
Hawkins, J. H.
Hayter, W. G.
Heathcote, Sir W.
Hill, Lord A. M. C.
Hobhouse, T. B.
Hodges, T. L.
Holmes, hn. W.
Hope, hon. C.
Hope, G. W.
Horsham, E.
Howard, hon. E. G. G.
Howard, F. J.
Howard, P. H.
Howard, Sir R.
Howard, hon. C. W. G.
Howick, Viscount
Hume, J.
Hutt, W.
Hutton, R.
Inglis, Sir R. H.
Labouchere, rt. hn. H.
Langdale, hon. C.
Lemon, Sir C.
Lennox, Lord A.
Loch, J.
Lushington, rt. hn. S.
Manners, Lord C. S.
Marshall, W.
Marsland, H.
Martin, J.
Melgund, Viscount
Miles, W.
Miles, P.
Milnes, R. M.
Mordaunt, Sir J.
Morgan, Octavius
Morpeth, Viscount
Murray, A.
Muskett, G. A.
Neeld, J.
Noel, hon. C. G.
O'Ferrall, R. M.
Packe, C. W.
Pakington, J. S.
Parker, J.
Parnell, rt. hn. Sir H.
Peel, rt. hon. Sir R.
Philips, M.
Philips, G. R.
Pigot, rt. hon. D.
Plumptre, J. P.
Praed, W. T.
Price, Sir R.
Pusey, P.
Rae, rt. hon. Sir W.
Rawdon, Col. J. D.
Rice E. R.
Richards, R.
Rickford, W.
Rolleston, L.
Rose, rt. hon. Sir G.
Round, C G.
Rundle, J.
Rutherfurd, rt. hn. A.
Salwey, Colonel
Sanford, E. A.
Seymour, Lord
Shaw, rt. hon. F.
Sheil, rt. hn. R. L.
Slaney, R. A.
Smith, R. V.
Somerset, Lord G.
Sotheron, T. E.
Stanley, E.
Stock, Mr. Serjeant
Strutt, E.
Style, Sir C.
Tancred, H. W.
Teignmouth, Lord
Thorneley, T.
Townley, R. G.
Troubridge, Sir E. T.
Tufnell, H.
Tyrell, Sir J. T.
Verney, Sir H.
Villiers, hon. C. P.
Villiers, Lord Visct.
Vivian, rt. hn. Sir R. H.
Waddington, H. S.
Warburton, H.
Ward, H. G.
White, A.
Wilbraham, G.
Wilbraham, hon. B.
Wilshere, W.
Winnington, Sir T. E.
Winnington, H. J.
Wood, C.
Wood, Colonel
Wood, Col. T.
Wood, G. W.
Worsley, Lord
Wrightson, W. B.
Wynn, rt. hon. C. W.
Yates, J. A.
Young, J.

TELLERS.

Stanley, E. J.
Maule, F.

List of the NOES.

Attwood, W.
Bailey, J.
Blackstone, W. S.
Brocklehurst, J.
Brotherton, J.
Collins, W.
Copeland, Alderman
Crewe, Sir G.
D'Israeli, B.
Duncombe, T.
Duncome, hon. W.
Easthope, J.
Eastnor, Viscount
Eaton, R. J.
Ellis, W.
Evans, Sir De Lacy
Feilden, W.
Fitzroy, hon. H.
Grimsditch, T.
Hall, Sir B.
Hamilton, C. J. B.
Hawkes, T.
Hector, C. J.
Henniker, Lord
Hinde, J. H.
Hindley, C.
Hodgson, R.
Holland, R.
Irton, S.
Johnson, G.
Kemble, H.
Leader, J. T.
Lowther, J. H.
Mackenzie, W. F.
Monypenny, T. G.
Muntz, G. F.
Parker, R. T.
Pechell, Captain
Polhill, F.
Rushbrooke, Colonel
Sanderson, R.
Scarlett, hon. J. Y.
Scholefield, J.
Sibthorp, Colonel
Smyth, Sir G. H.
Trotter, J.
Turner, W,
Walker, R.
Williams, W.

TELLERS.

Wakley, Mr.
Fielden, J.

House resumed. Committee to sit again.

ORDNANCE SURVEY.] On the motion for going into committee on the Ordnance Survey Bill,

Lord *Granville Somerset* thought, that before they proceeded with this important measure they should have some statement on the subject.

Sir *Hussey Vivian* said, that he was perfectly ready to make a statement if the House wished it, but the only object of the bill was to enable the Ordnance to carry out the surveys which had been commenced.

Lord *Granville Somerset* thought, as they had no reason to expect that this Bill would be brought on that night, and as there were objections to some of its provisions, it would be better to postpone it.

Sir *Robert Peel* believed the existing survey was on the scale of an inch to a mile, but that it was intended, that the new survey thould be on the scale of six inches to the mile. This would occasion additional expense; and what he wished to know was, in what proportions the counties now actually surveyed according to the first scale would be burdened? He thought, before anything was done, they should have some estimate as to the expense, and that it would be better to have the surveys of all the counties on the new scale going on at the same time.

Sir *Hussey Vivian* said, that a survey on the six-inch scale would occasion an expense of above one-third more than the present survey on the one-inch scale, and, that in the event of its being determined to re-survey those parts of England which had already been surveyed, it was impossible exactly to estimate the expense, but that, of course, the plans and tracings of the old survey would materially assist in those parts of England that had been last surveyed, still, however, no doubt the expense would be great, but that it was a matter of great importance, and great use to the country to have a map on the six-inch scale, whereas, as the right hon. Baronet must be aware, the map on the one-inch scale having been originally intended as a military map, was not of much use, correct and beautiful as the work is, for civil purposes. Where a larger scale was required, the subject had been brought under the notice of the Government by memorials from the Geological Society of Manchester and the Highland Society of Scotland, and it was in consequence of this, and under the impression that it would be of great advantage to the country, that the Government had determined on making the survey of the six northern counties on the six-inch scale.

Sir *Robert Peel* said, he was not considering the advantage of new surveys on a scale of six inches to the mile, but what he doubted was, whether it would be right to take any step until they be prepared to begin simultaneously the survey of the counties on the larger scale.

Sir *H. Vivian* said, that by the end of the next year the Irish survey would be finished, and then they would be able to bring over the surveyors. But in the first instance, he thought it better to survey the counties not yet surveyed.

Committee postponed.

HOUSE OF LORDS,

Tuesday, March 23, 1841.

MINUTES.] Bills. Read a second time:—Boroughs Improvements.—Read a third time:—Mutiny; Marine Mutiny.

Petitions presented. By the Bishop of Lincoln, from Watton, against any further Grant to Maynooth, and against the Encouragement of Idolatry in India.—By the Earl of Clarendon, from Pitminster, for the Repeal of the Corn-laws.—By the Marquess of Downshire, and Lord Strafford, from Island Magee, Antrim, Valentia, Down, Port Stewart, Derry, Balibay, Monaghan, Downshire, and various other places, against Church Patronage.—By Lord Redesdale, from Merchants and Traders of the Strand, for the Abolition of the Toll on the Southwark, Waterloo, and Vauxhall Bridges.—By the Earl of Rosebery, from Baptists of Cupar, against the Encouragement of Idolatry in India.—By the Marquess of Normanby, from Mile-end, New-town, and neighbourhood, in favour of the Drainage of Buildings Bill.

EAST-INDIA RUM.] The Marquess of *Lansdowne* having moved the Order of the Day for the second reading of the East-India Rum bill, proceeded to observe, that as this was a measure of considerable importance, it would naturally be expected that he should state to their Lordships, and to those who were interested in the subject, the grounds upon which this bill was introduced. The question, however, lay within a very narrow compass. Its object was to assimilate the duties on East-India rum imported into this kingdom from British possessions in India, into which the importation of sugar was prohibited, to the duties on West-India rum, as had already been done with respect to sugar the growth of the East Indies. Early in the last Session of Parliament he had had the honour to present to their Lordships a petition from the most important body in this country—the East-India Company—who considered themselves, and justly considered themselves, as the representatives of the cultivators of India. He was not at that time authorized to hold out any immediate hope to those petitioners that the policy which they recommended could be carried into effect; but he had stated that he himself, and others with whom he had the honour of acting, felt the justice and propriety of acceding to the suggestions contained in that petition at as early a period as they possibly could, consistently with their public duty, by proposing to Parliament a measure that would be beneficial to the cultivation of India. The petition to which he had alluded was afterwards, on the motion of a noble Baron (Lord Ellenborough), referred to a select committee, and a similar committee was appointed by the House of Commons. Before both these committees a great deal of important evidence was given with respect to Indian commerce and to Indian produce. It was felt by many that the most obvious measure of relief that could be given for the encouragement of Indian produce would be to reduce the duty on the importation of East-India sugar, and to make a corresponding reduction with reference to the duty on East-India rum. He particularly stated this, because the opinion of their Lordships' committee had been quoted against the present measure. The committee did not express a decided opinion on the subject. They only stated that they were not prepared, at that moment to recommend such an alteration of the duties on rum. He was not the author of the words thus inserted in that report; but undoubtedly he did not oppose those words, because the Government with which he was acting was not prepared at the moment, to submit to their Lordships such a measure as would meet the suggestions of the petitioners; and the noble Baron opposite who drew up the report with great ability, and whose views on the subject were of the most liberal and enlightened nature, would he knew, never have proposed their insertion in the view of creating any bar to the introduction at any future period of such a measure by Government on its own responsibility. His own opinion was the same at that time as it was at the present—namely, that it would be just and proper to grant the relief prayed for, and to equalize the duties on East and West-India rum. He should now advert to one of the chief objections felt by the committee of the House of Lords with reference to this reduction—namely, lest it should lead to the introduction of any other spirit distilled from rice, or from any other produce not intended to be admitted. It was feared that such spirit, not the produce of the sugar cane, might be introduced under the cover of this law. There was, however, no danger of any such result; the most effectual means were adopted, under the bill, to carry the intentions of the Legislature, and those intentions only, into effect. Under the regulations provided by this measure, the importation would be confined strictly to rum manufactured frrm the sugar cane, or from the date or date-tree. It had been shown by the evidence, that since 1836, when his noble Friend, then Chancellor of the Exchequer had introduced an equalization of the sugar of the East and West Indies—from 1136 to 1840 the importation of sugar had increased from 50,000cwt. to upwards of 400,000cwt. The price of sugar had increased since that period to an alarming extent, and the consumption had proportionately diminished. But the price would have been more alarming and the consumption would have even still further diminished had not such an equalization taken place. But the concurrent testimony of a host of witnesses proved that the introduction would have gone still further, had it not been impossible to propose equal duties on East and West-India rum. So much with regard to the sugar produced by the cane. The bill included also the sugar produced from the date tree, perhaps of all the one most extensively useful in all application to the purposes of man of all vegetables in the world, and of its many uses this was one of the most valuable. The measure, then, applied to the sugar which was formed out of the pulp of the date. He could not state the exact amount of sugar produced from the cane and the date; but, though the much greater part was produced from the former, a great quantity was also produced from the latter. The rum from both these kinds of sugar was to be introduced on the payment of equal duties to those levied on rum made from the West-India sugar, but by proper precautions, such as an order being sent before admission, a certificate of origin, &c., the introduction of spirits from rice would, he thought, be effectually prevented. He had now briefly stated what the bill contained. He would not dwell long on the policy of the measure. It was an act of justice, an act of fairness, an act of liberality, towards the natives of India, from whom it must be recollected, in all disquisitions of this nature, that we have taken in the course of our commercial intercourse with them a valuable part of their produce, of their industry, and of their means of livelihood, and that we have caused the depopulation of their country by the extinction of their manufactures; and that, while all this has been going on, we have been at the same time refusing admission to their sugar, and other produce, on the terms which we have granted to other colonies, which stand in exactly the same relation to ourselves. There must always remain a difference in favour of the West Indies. Nature had caused that difference by the position and the capabilities of those islands, but such a difference we ought to lessen as much as possible, and we now by the bill diminish by the difference which now exists, granting an equality to the produce of those towards whom we entertain the same feelings, and to whom we are bound by an identity of interest. The noble Marquess concluded by moving the second reading of the bill.

Lord *Ashburton* said that he fully felt the force of the arguments which had been put forward by his noble Friend. Every consideration, both of prudence and of justice, was favourable to the bill of which his noble Friend had just proposed the second reading. He doubted, however, whether the recent events which had taken place, the state of labour, and the condition of the colonies, had not been sufficient to induce the postponement of what every one was aware was a measure of justice. There was also another point on which he felt some slight doubt, but that doubt perhaps arose from his own ignorance on the subject. He did not know whether the admission of spirit made from the date-sugar might not be attended with some difficulties. There had been no distinction drawn between the different kinds of spirits, and he thought that this might probably lead to considerable fraud on the revenue, but he took it for granted that the Government had carefully looked to this point. With these doubts, which he had plainly stated to their Lordships, he must confess that he was glad at the introduction of such a measure as the present. But, as this bill referred to the sugar-trade, he would take that opportunity of asking his noble Friend what were the intentions of her Majesty's Government as to the general state of the sugar-trade. He was desirous of knowing whether it was intended to let in sugar from foreign countries. It had been stated to him by many merchants of the first respectability and standing that no satisfactory assurance had been given on this point. In fact great apprehensions existed upon this subject arising chiefly from the belief that the present measure might in some way be connected with the Report on Import Duties which had emanated from a committee of the House of Commons that was appointed to inquire into that subject last Session. Of the Members who constituted that committee he did not wish to say anything: but it was well known that the committee sat very late in the Session; that many of its Members were great free-trade philosophers, and that the evidence was taken most partially, and chiefly from persons who were known to be violent partisans on the side of unrestricted commerce. Mr. Porter, Dr. Bowring, Mr. Hume (formerly of the office of the Board of Trade), and other advocates of free trade, were the principal persons examined; and the evidence given by them consisted of the most extravagant, most exaggerated and absurd statements, that any person having a reputation of professional and personal knowledge could possibly listen to. But what he chiefly complained of was that the Members of the committee had afterwards formed themselves into a society, and had circulated this report in the shape of a pamphlet throughout the country, and that by that means they had given these statements undue importance. The committee was altogether an *ex parte* one; got up for the purpose of hearing evidence on one side only, and that from persons who were already prepared for the purpose, and who after all were not very conversant with the subjects on which they were called upon to give their opinions. While this was the sort of testimony taken by the committee, they refused to hear evidence on the other side. Very important evidence was offered to be given, but the Gentlemen on the committee would not receive it. No questions tending to contradict the evidence given in favour of free-trade doctrines were put to any of the witnesses, nor was any testimony sought that went in the slightest degree to invalidate that description of evidence. Altogether the report of the Committee on Import Duties was, in his opinion, as unfair, extravagant, and absurd a report as ever was issued; and he knew of nothing that showed more of trick, of contrivance, and of design, than that which was practised in the getting up of that committee and the concocting of that report. To carry out the principles of that report would be to upset all the principles upon which the commercial wealth and greatness of the country were founded; and the very attempt would be the introduction of the wildest and most ruinous system that could possibly be devised.

The Marquess of *Lansdowne* was sure

that their Lordships would not expect him to take the present opportunity for entering into a discussion of the merits of the report of the committee of the House of Commons on import duties. That report embraced a great variety of topics, every one of which required long and full consideration. The committee was not one proposed by her Majesty's Government; although the Members of her Majesty's Government had felt it their duty to bestow considerable attention to the matters submitted to it. The committee certainly sat at a later period of the Session, and that circumstance might have made it very inconvenient for them to continue to receive evidence which might have been of a different nature from that which they had actually received. At the same time, the persons whose evidence they did hear were persons who had a right to be heard on such subjects, and more particularly persons who had been officers of the Government and connected with that department to which the nature of the investigation before the committee had immediate reference. The gentleman to whose evidence the noble Lord might be supposed to have alluded (Mr. J. D. Hume) was formerly connected with the Board of Trade; and he was one in whom every President of the Board of Trade, for the last twenty years, had placed the highest reliance. The examination of that gentleman was most natural, and his opinions might most justly be considered deserving of attention. The noble Lord had taken this opportunity of asking him (the Marquess of Lansdowne) whether any further measure connected with the importation of sugar would at any other time be brought forward by her Majesty's Government. All that he could say in answer to that question was, that this bill was totally unconnected with any other measure whatever. It was a bill that had not grown out of the report of the committee of the House of Commons, but rested entirely upon its own peculiar grounds. The noble Lord must be perfectly aware that nothing could be more inconvenient than announcing financial intentions or discussing financial questions before Government felt it their duty to introduce specific measures for the consideration of Parliament. All he could say was, that whether any future regulation was to be made or not with resp ec to the introduction of sugar into this country, the present measure was wholly unconnected with that or any other measure besides what it professed to have immediately in view.

Lord *Ashburton* was quite aware of the high talent and integrity of the gentleman whose name the noble Marquess had mentioned (Mr. J. D. Hume), and he had no intention of saying anything disparagingly of that individual. With regard to what the noble Marquess had thought proper to say in answer to the question which he had put respecting the intentions of her Majesty's Government, all he would observe was, that it was precisely such an answer as the committee in the India interest had received from Government, and that committee went away with the impression that further measures were intended to be introduced by her Majesty's Government on the subject of the sugar-trade.

Lord *Monteagle* was quite sure the noble Lord who had just sat down must feel that the answer of his noble Friend, the noble Marquess near him, was the only one which he could consistently give, as it would be highly inconvenient to discuss subjects relative to finance till they were brought regularly before the House. He rejoiced that the attention of the House and the public had been drawn to the report on which the noble Lord opposite had commented. No doubt it was a very popular argument to say that if taxation is reduced, the revenue will thereby necessarily be increased, but people out of doors were very apt to take a one-sided view of the question, and to say give us a reduction, and take your chance of an increase of revenue. The extravagance of some of the suggestions that had been made before that committee were practical impediments to the progress of improvement. He would allude to one, being the great question on which his noble Friend had observed, the corn question. What was the evidence given by some of those gentlemen on the subject of the protective duties on corn and provisions? It was that the existence of those protective duties caused a charge upon the people of England equal to twice the whole amount levied by taxation for the treasury—namely, an annual amount of 100,000,000*l.*, stated to be the result of those protective duties. He was not a friend to the existing system of the Corn-laws, but he thought that those exaggerated views would rather defeat than further the object of those who were opposed to those laws. On the one hand, if anything could tend to over excite those engaged in the repeal of the Corn-laws, it would be to tell them they had to contend for so great a sum as 100,600,000*l*.. and, on the other hand, nothing would tend to strengthen the opposition to the repeal so much as telling the agricultural interest that they too had to contend for a prize equal to that sum. His noble Friend had also adverted to the question of the sugar duties. Upon that subject the extravagance had been equally great; for it had been said that this, the greatest consuming sugar country on the face of the earth, had, by financial regulations, so limited, and the comforts of the population so abridged, that the consumption of sugar was less than could be found in Austria or Russia. Nothing could be more extravagant or absurd than all these statements. He had stated these things in order that parties might cautiously weigh and consider the subject, because, in the event that these calculations were called on and not confirmed, Parliament would be obliged to have recourse to a property tax or some similar measure, in order to make good the enormous deficiency of the revenue which would occur. He believed that the principles laid down in the Report would be most injurious, if adopted to the extent, and on the principles set forth at the same time he was convinced that the principles of free trade, as they were termed, were those upon which this great commercial country could mainly rely for the extension of its trade. He should decidedly object to the recommendation in that Report being inconsiderately adopted.

Lord *Ellenborough* only rose to express his satisfaction with the measure which had been brought forward by the noble Marquess. It had come sooner than he had expected, but not sooner than he had desired. He agreed with the noble Marquess that this measure rested entirely on its own merits. It was only a measure of justice to the East-Indies, while it was not one of injustice to the West-Indies. By diminishing the duties on rum the produce of India, it would, in his opinion, increase the production of sugar; while, at the same time, it would prevent the introduction of foreign grown sugar. He did not think the Government would be in a position to call upon Parliament to admit the sugar of Cuba and Brazil into this country till it was seen what the result of this measure would be, which was calculated he thought to lead to the introduction from India of a very large quantity of sugar. He wished, however, to call the attention of the noble Marquess to the bill itself, particularly to the 3rd clause, in consequence of certain evidence which had been given before the committee upstairs last year, and in consequence of what he considered an erroneous view taken by one of the witnesses with respect to the last act for the reduction of the duty on East-India sugar. The 3rd clause of this bill was framed in terms nearly similar to a provision of the act of the 1st and 2nd of Victoria, which permitted the introduction of sugar from India at a reduced rate of duty. By that act, it was provided.

> "That if at any time satisfactory proof shall have been laid before her Majesty in Council, that the importation of foreign sugar into any British possession within the limits of the East India Company's charter is prohibited, it shall be lawful for her Majesty, by and with the advice of her Privy Council, or by an order in Council, to allow the importation of sugar the growth of any British possession at the lower rate of duty specified in the Act of the 6th and 7th of William 4th, under the same restrictions and conditions as sugar the growth of the presidency of Fort William."

Now, he was of opinion, that under that provision of the Act of Victoria, no discretion was left to the Privy Council, and that they were bound, on the required proof being given, to admit the sugar of any of the British possessions alluded to. The 3rd clause of this bill was similar to the provision contained in the Act of Victoria. It provided.

> "That this act shall not come into operation until satisfactory proof shall have been laid before her Majesty in Council, that foreign rum and foreign rum-shrub have been prohibited to be imported into any of the British possessions within the limits of the East-India Company's charter, on the importation from which of rum or rum-shrub the duty of 9*s*. 4*d*. per gallon is hereby imposed, nor until the Governor-general in Council shall have passed an act containing such regulations for the prevention of frauds as in the opinion of such Governor-general in Council shall be calculated for that purpose."

When therefore the proof required was given, and when an act was passed by the Governor-general in council for the prevention of frauds, he apprehended that it became the duty of the Privy Council to admit rum and rum-shrub to be introduced. For it was further provided by the 3rd clause, that.

> "In the events of such prohibition and of the enactment of such regulations, it shall be lawful for her Majesty, by and with the advice

of the Privy Council, to allow the importation of rum or rum-shrub, the produce of the possessions aforesaid, to be admitted to entry in the United Kingdom."

Mr. Larpent, however, in his evidence as given before the committee of last year, seemed to be of opinion that it was competent for persons interested to come before the Privy Council even after the required proof had been given, and to show them that the regulations made were not sufficient, and to object to the introduction of the produce specified in the Act of Victoria. It was therefore highly important that this part of the bill should be distinctly expressed, so as to be generally understood, and that a provision should be introduced into the measure providing that on the passing of the required act by the Governor-general in Council, rum and rum-shrub should be at once admitted, and that then no person should be allowed to go before the Privy Council to object. There was one other point to which he wished to call attention. In the Act of 1st and 2nd Victoria there was a proviso which he considered essentially necessary, and which he wished to see introduced into the present bill. That act required that a certificate should be given by the collector or deputy-collector, and the proviso was that it should be lawful for the Governor-general to appoint any other person that he might consider qualified other than such collector or deputy-collector to grant such certificate. Now he (Lord Ellenborough) thought it necessary and desirable to introduce this proviso into the present measure. There might be a question whether any practical difficulty would arise elsewhere on the introduction of this proviso, but on that point, perhaps, the noble Lord would make inquiries. At all events, the insertion of the proviso went in furtherance of the objects and intentions of the framers of this bill. It had been adopted by them on a similar occasion, and he (Lord Ellenborough) should hope that when this bill came into committee it would be thought expedient, there being no reason against it, to introduce it into this bill.

The Marquess of *Lansdowne* had not the least hesitation in stating to the noble Baron that the interpretation which he should put upon the meaning of the clause alluded to, and relating to the power exercised by the Privy Council, was precisely that which the noble Baron had himself collected. He thought there was nothing in the act referred to that required correction; but he was glad the noble Baron had called attention to the subject, there having been something like a misunderstanding upon it. With regard to the other point, this was the first time his attention had been called to it; but it seemed to him that it would be extremely convenient to introduce into this measure the proviso to which the noble Baron had alluded. He would, however, make inquiries into the subject, though it did not appear to him that there would be any inconvenience, or that it would be impracticable to introduce that proviso in that House.

Bill read a second time.

Adjourned.

HOUSE OF COMMONS,

Tuesday, March 23, 1841.

MINUTES.] Bills. Read a first time:—Dog Carts, etc.; Charitable Trusts.—Read a third time:—Turnpike Acts Continuance.

TRANSPORTATION OF CONVICTS.] Viscount *Mahon* rose to bring forward a motion relative to the keeping of convicts at home who had been sentenced to transportation. He said, that upon all their previous discussions on transportation, or other secondary punishments, he had been painfully struck by the contrast between the complete indifference of the House and the high importance of the subject. That indifference had prevailed most impartially, whatever was the change proposed, or whoever was the person to propose it. Last year he remembered an able and interesting speech upon this question from the noble Lord, the Secretary for the Colonies, a speech of nearly two hours, but delivered to a House of little more than thirty Members; yet, notwithstanding that indifference, and the consequent discouragement to him, he (Lord Mahon) felt so clearly convinced of the mischief of the present system; of its individual suffering, and its national detriment, of the noble Lord opposite having acted on most imperfect information, and with many doubts and misgivings of his own, that he felt it his duty once more to press this question on the attention of the House. Before he had given notice of his intention to bring forward this motion, he had taken an opportunity to consult some hon. Members whom he thought well qualified to give an opinion upon it, they being engaged in the administration of justice as chairmen of Quarter Sessions, and they had fully concurred with him in the view which he had taken. And if the House would grant him its patience, he would pledge himself to show as strong a case as ever was laid before a British House of Commons—he would pledge himself to show by most irrefragable testimonies the evils and the dangers of the course to which the noble Lord was bending. Let it in the first place be observed, what the noble Lord has actually done. The noble Lord, now at the head of the Colonial Department, in his minute of the 2nd of January, 1839, had laid down this rule for the future.

> "That convicts sentenced to seven years, transportation shall be, as far as practicable, employed in the hulks and dockyards at home and at Bermuda."

This was followed by a letter of the hon. Member, the Under-Secretary for the Home Department, of the 30th of January, directing that, in the ensuing year, accommodation in the hulks should be prepared for 3,500 convicts, whereas the report of the Superintendant, Mr. Capper, states that on the previous 1st of January, the number was 1,789 only. This order, it appeared, had been acted upon; for, from the last reports of Mr. Capper, which had been laid upon the Table of the House but yesterday, it appeared that the number of convicts imprisoned, on the 1st of January last, in the hulks, was 3,552. But looking at the practical state of things, a much larger increase must be speedily expected. He found from the calculation appended to the minute of the noble Lord, that in the year 1837 the total number of convicts actually transported was 3,663, and of these 2,166, or about two-thirds of the whole number, had been sentenced to be transported for seven years. Therefore, the result would be, that at least 2,000 persons, who would otherwise have been transported, would be every year added to the number of prisoners in confinement in England, and so many would be, in like manner, after a certain term of years, periodically turned loose upon the community. Now, then, the first objection which he had to make to these proceedings was, that they were, in truth, an undue extension of the prerogative of the Crown. They were, no doubt, in conformity with the letter of the law, but he conceived that they were in utter violation of its spirit. What, he asked, was the object of the law, in placing this discretion in the hands of the Secretary of State? It was this, that he might distinguish between particular cases, that in cases of early youth, of extreme old age, or any other special circumstances, he might inflict imprisonment at home upon those to whose offences the law had affixed the punishment of transportation. But was it ever intended that the Secretary of State should make a wholesale decision without distinction of cases, and declare that the words of the law, "Transportation for seven years," should always be construed to mean "imprisonment at home?" But he felt that it was almost unnecessary for him to insist upon this branch of his argument, because he thought that it had been already admitted by the noble Lord himself, in the observations which he had made the other night in introducing a bill for the amendment of the criminal law. The second charge which he had to make against the noble Lord, was for undue neglect and disregard of the evidence adduced before the House of Lords. In 1835, a Committee of the House of Lords was appointed to consider the whole subject of prisons and prison discipline, and they pursued their inquiries with much zeal, examining the most competent witnesses, and even personally inspecting the hulks. Indeed, when he stated that the Duke of Richmond was the chairman of the committee, he need hardly add that its inquiries were conducted with great talent and great diligence. Now here is the recommendation of that committee as contained in their third reporr.

> "From the view which the Committee take of the inherent defects of the hulk system, and the mischief which it is calculated to produce, they cannot but concur in the opinion expressed by the Committee of the House of Commons upon secondary punishments to that effect, that in future no persons sentenced to transportation should be allowed to remain permanently in this country, (except those selected for confinement in the Penitentiary at Milbank), and that henceforth the convict establishments of the hulks shall be considered solely as an intermediate station between the gaol and the penal colony."

He asked the noble Lord, whether there had been any subsequent inquiry—any alteration of the facts of the case, which had afforded any good reason for forming an opinion unfavourable to this recommendation? If it were a party question, he could well understand that the noble Lord might decline to act upon the recommendation of such men as the Duke of Richmond and Lord Wharncliffe, but such was not the case; and party politics apart, could it be denied that these and such Peers were as competent to come to a right conclusion as any men in the country, upon the due administration of the criminal law? He (Lord Mahon) could not conceive what new light it was which had broken in upon the noble Lord, to induce him to depart from a system which had been sanctioned and recommended by the joint opinions of Committees of the Lords and Commons. Their recommendation of discontinuing the system of the hulks except as an intermediate station had been thus contemptuously set aside. [Lord *J. Russell:* There was the recommendation of the Transportation Committee.] The Transportation Committee had not touched the subject of the hulks at all, and whatever opinion they might have expressed upon the management of convicts in Australia, not one syllable of approbation of the present system could be inferred from anything contained in their report. The whole of the evidence given before the Committee of the House of Lords fully bore out their expression of opinion. Mr. William Crawford, a person highly competent to form a correct judgment upon such a question, and one from whose authority the noble Lord, at all events, would not feel disposed to detract, as he had entrusted him with a most important mission to examine the gaols and prisons of the United States, thus expressed himself:—

> "The system of our hulks is very bad. I have been on the Committee of the Refuge for the Destitute during several years, and I have found that parties released from the hulks have generally turned out the very worst characters. I have frequently asked the gaolers, in our prisons, as to the efficacy of transportation, and the effect which it produces upon prisoners, and I have found that as a punishment its effects are very great, and that it excites great dread."

Mr. Matthew Newman, one of the principal gaolers in Newgate, confirmed this statement. He was asked,

> "Do you think that prisoners dread the punishment of transportation more than they did?—I do; it is generally known that it is much worse now."

Mr. Higgins, a visiting justice of the gaols in Bedford, declared his opinion that "the hulks were shamefully conducted." But, perhaps, the opinion strongest of all was that of Mr. Samuel Hoare, chairman of a society much relied upon by the noble Lord, the object of which was the improvement of prison discipline. He was asked,

> "Do you believe that the hulk system has been of any service?" and he answered, "Far from it. It is admirably calculated to promote crime."

And yet this very system, declared on such high authority as "admirably calculated to promote crime," the noble Lord has done doing his best to promote! For his part, he (Lord Mahon) thought that the hulk system was wanting in every quality that ought to attend a good system of secondary punishment. What ought to be the object of the Legislature in reference to this question? Not, surely, the reformation of the criminal solely. He had paid much attention, for many years, to various plans and schemes on the subject of secondary punishments, and this object of reformation had been the principal feature of them, especially of those which he had heard ascribed to the Archbishop of Dublin. But there was a higher and more paramount object than this, namely, the prevention of crime; and, in that respect, the hulks were quite ineffectual. They did not inspire an adequate degree of terror. When the sentence was, that the prisoner be confined in the hulks, instead of being sent to one of the penal colonies, the family or friends of the convict did not appear to be sufficiently affected by it, while transportation caused a much greater degree of salutary dread. He had satisfied himself of this from the testimony he had received, especially from several hon. Members now present, the chairmen of quarter sessions. Nay, he believed, that on this point he might appeal as a witness to the Under-Secretary of State for the Home Department; he believed, that there was abundant proof of his assertion in the records of that office, showing, that the sentence of the hulks did not strike so much terror as the sentence of transportation. The cases which might be alleged were numerous, but he should only mention one, which had occurred last year, and which he would mention, because it fell under his own observation. The case was that of Seeley, who had been convicted of forgery, and was sentenced to transportation. It happened that he was connected with a highly respectable family, resident at Tetbury, in Gloucestershire, who, through an hon. Member of the House of Commons, applied to the Marquess of Normanby, praying that Seeley might be spared transportation, and sent instead to the hulks, which, it was added, he would much prefer, for any number of years. It appeared then that the hulks did not strike sufficient terror to effect the object of deterring from crime. He came next to the question of the treatment of criminals confined in the hulks. He did not know whether it was true, but he had heard that the operation of the Minute of the noble Lord—the accumulation and crowding together of large numbers in the hulks—had been unfavourable to the health and even lives of the convicts. The evidence taken before the coroners' inquests on those prisoners that had died since the 1st of January last, tended, as he was told, to support this view. But in the absence of these documents—and he wished to know why these returns for which he had moved full three weeks ago had not been laid on the Table, as they ought to have been, especially since it was known he meant to bring forward this motion—he should not press the point, since he could only speak from unauthorised and hearsay statements, and not from official returns. He possessed, however, a statement, dated January 16, 1841, contained in Mr. Capper's last report. It came from Mr. Peter Bossey, a surgeon at the hulks. Mr. Bossey regrets,

> "The natural and constant depression of strength and spirits which is ever experienced by those who are subjected to the hard labour and rigorous discipline of the hulks."

Strong expressions to be used upon a system by one of its own officers! Mr. Bossey goes on to say,

> "For several years past I have observed a gradual increase in the number and severity of the cases of scurvy; I believe it to originate in the poorness and sameness of the diet adopted in the prisons."

He (Lord Mahon) should have imagined, that every degree of discipline and rigour necessary in prisons might and ought to have been maintained without these disastrous results. He would observe, also, that the hulks gave no opportunity of carrying into effect the improvements in prison discipline which had been introduced of late years. Neither the silent system nor the solitary system could be adopted there. In short, the hulks must be managed very much as all our prisons were all managed thirty years ago. But then the noble Lord might allege, that by increasing the number of hulks, or by forming establishments on shore, the discipline or the health of the convicts might be effectually secured. No doubt this might be true; but then he (Lord Mahon) came to this question, how far imprisonment for a term of years at home, even under the most advantageous circumstances, could be advantageously used as an equivalent for transportation to a penal colony. He thought that it could not. One main objection to the system of imprisonment was, that it was always necessary to act with more rigour when the convict was confined at home, than when the convict was transported. It was necessary that an extraordinary degree of discipline and rigour should counterbalance the retention in the same neighbourhood; it was natural that confinement at home should, even under such disadvantages, be preferred as a punishment to transportation. When the friends and associates of a convict knew that he was imprisoned in the same town—when they looked upon the very walls that inclosed him—when they remembered that a few short years would give him back to his old haunts and his former confederates, they could not feel as much impressed with awe at his punishment as when they found that he was sent to a far distant and unknown country, that 15,000 miles of sea rolled between him and themselves, and that in all probability they should never see his face again. To counterbalance this feeling, in any degree, requires great severity of discipline in prisons, and which severity is in itself an evil. The old idea of vengeance, of imposing upon a criminal some degree of pain which might be commensurate with his crime, was now, he trusted, no longer entertained. Not that we deny that some crimes are deserving of the severest pain, but we deny that as vengeance we have any right to inflict it; we remember from whom came the awful words "Vengeance is mine;" and we leave the full penalty to the goadings of a guilty conscience and to the judgment of a future life. If, therefore, they could avoid the infliction of suffering consistently with the objects of punishment, that avoidence of suffering would, in his opinion, be a most desirable object. Admitting to the fullest extent the benevolent motives of the new regulations proposed for places of confinement, not even denying the good effect of them, still it would be found that practically these regulations for the most part pointed to the same direction—a further restriction and severity. Take, for instance, perhaps the most carefully conducted of all, the general Penitentiary at Milbank. In the fourth report of the inspectors of prisons, 1839, the following passages occur—

> "Prisoners, if well-conducted, are permitted to see their friends once in six months during the first half of their imprisonment, and once in three months during the latter half. There is a visiting cell in each pentagon which is partitioned by iron bars and close wire gratings into three divisions; in the middle division, an officer is placed to watch and hear what passes between the prisoner and his friends, who respectively occupy the divisions on either side of him. The visit is limited to ten minutes."

At first sight, this would not appear any very unreasonable or excessive indulgence; nevertheless, the inspectors add that they are much opposed to this practice and recommend its discontinuance, giving, it must be owned, several strong reasons against it, such as that the prisoners minds become greatly agitated from the expectation of seeing their friends and can neither apply themselves to their work nor to serious and profitable admonition; but still here is a measure of much severity. Thus, again, the inspectors say, that those prisoners who do not see their friends are allowed to write to them, and they object to this permission, although no letter is either sent or received without being opened and read by the governor or chaplain. They add, that they are decidedly of opinion that the privilege of writing and receiving letters, as well as that of receiving visitors should be done away. A greater privation to prisoners, especially to those with families could scarcely be imagined. Thus, again, in the new model prison of Parkhurst, it appears that even the infirmaries—even the receptacles for the sick and aged, are no longer to be tolerated. The last report from Mr. Woolecombe, the governor, has these words:

> "No infirmary has been opened, in consequence of the temptation which would afford to the idle or deceitful to feign sickness for the enjoyment of a fireside and other little comparative luxuries."

In like manner, while fully admitting the great advantages, at least, to some prisoners of the silent system, it must be owned that its enforcement gives rise, perhaps unavoidably, to many cases of rigour. In the House of Correction at Petworth, in Sussex, he (Lord Mahon) found among the list of offences punished with "stoppage of food:" (no light punishment)—J. M. May 7, 1839 "Turning himself round in the resting boxes with intent to converse:" five cases in January 1339 "making signs with intent to converse," and then a very strange case:—G. C. May 29, 1839 "Speaking with intent to converse!"—or, perhaps, just as well "conversing with intent to speak!" Now, let not the present argument be misunderstood. He did not deny that these regulations may, perhaps, be just and needful; he did not deny that the magistrates who framed them, were guided by humane and benevolent motives; did he deny, on the contrary, he most readily admitted, that these qualities distinguished the noble Lord who gave them his sanction. But the more needful these regulations—the more humane the men who framed them, the stronger becomes the argument—that imprisonment in gaols or hulks for term of years, requires such strict discipline, and inspires so little of salutary fear that it is constantly necessary to increase their rigour and severity of management so as to secure their utility or augment their moral influence. Compare them with transportation, and you would find that in gaols and hulks you must have recourse to ten times as much severity without producing after all an equal effect in deterring from crime. Then there was the great evil under the system of the hulks or prisons at home, of the inequality of the punishment. He could scarcely conceive any uniform system weighing more unequally on different tempers and different classes. The system of assignment of convicts in the penal colonies had been called unequal, and truly so, but its inequality dwindled into nothing when compared with this. A shepherd who has tended his flock on the mountain side, or a labourer who has plied his spade in the open fields, must feel a prison life in a tenfold degree above the the artisan, already inured to the close rooms and sedentary labours of the factory. To some men of quick and sensitive temper the confinement would be intolerable, to others of less active mould it would appear no great evil, provided only their meals were of good quality and regular recurrence *sicut ignava animalia, quibus si cibum suggeras statim jacent torpentque.* Another objection which he had to urge against the hulks was the ground of expense. He should be very sorry to state this as a foremost or paramount object, and he hoped the House would not consider that he had any intention of so stating it. On the contrary, he admitted that there were other objects of penal legislation which were of far superior importance to economy. But economy was not to be altogether neglected, and certainly economy was not to be attributed to the existing hulk system. This would be seen by comparison with the transportation system. The average expense of transporting a convict was 15*l*. Arrived in the colony, instead of a burden, he might become a benefit by his labour. In the hulks the cost of maintenance of each convict every year was about 18*l*. From this, however, the noble Lord had estimated that there must be deducted 10*l*. for the value of the labour of each convict, leaving only 8*l*. as the annual cost to the country of each convict in the hulks. He thought, however, that the noble Lord had overestimated the value of convict labour at the hulks, for, in the first place, the noble Lord in the memorandum assumed that every convict was equally capable of work. But the last report of Mr. Capper stated, that there were a great number of persons in the hulks who were unfit for any work of a laborious nature. Secondly, the noble Lord had made no account of the expense of constructing and maintaining the hulks, which was far from inconsiderable. The entire expense of each convict, including every item, might probably amount to between 20*l* and 30*l*. per annum. Take it at 25*l*.; and if they confined in the hulks for four years those sentenced for seven years of transportation, according to the noble Lord's regulation, the country would be put to an expense in each case of 100*l*.; whereas, the entire expense of transporting did not exceed 15*l*. Here, then, was the striking difference of fifteen and one hundred. He had the best ground for for stating that he correctly estimated the expense of transportation, and as an instance of the popular delusion which prevailed on this subject, he might mention the fact that in Dr. Bowring's report on Egypt (on the whole a very able document), it was incidentally mentioned that the expense of transporting a convict from England might be estimated at 100*l*. for each individual. The hon. Member for Leeds (Sir W. Molesworth) had frequently urged upon the House on the other hand the necessary expense of the military and police establishments of the colony. Such an argument might be very good as a retrospective argument, if the colonists wished to prove as they assert that we are indebted to them for four or five millions saved by us in the transportation of convicts. But how stood the case if it were meant as a prospective argument? We have already transported convicts to a vast extent to Australia. These police and military establishments were in existence, and they must continue to maintain them. No considerable retrenchment could possibly take place in them for a long series of years. This same opinion had been expressed by the noble Lord in his minute. It was perfectly clear from the great number who were incapacitated from labour in the hulks that their confinement and the treatment which they received were very injurious to health. The incapacity and the mortality did not arise from the weakness of infancy, or the imbecility of age. By the report of the inspectors of prisons in Scotland, it appeared that out of 12,418 prisoners whose ages were recorded, 11,016 were between the age of fourteen and fifty, the age at which they would be best able to earn their livelihood. How much useful labour in the colonies was lost by their confinement. He was delighted to perceive, from the statement of the chaplains, the satisfactory reform which had been effected in many of the prisoners at the hulks But, attaching to this information the utmost value, how were the released prisoners to get their bread? Was it not well known that the greatest reluctance prevailed against employing one who had been a convict? Hon. Members themselves would naturally give the preference to persons of unimpeachable character, and why should they not? Is there any moral duty that calls upon us to prefer a man who has committed a crime and repented of it, above another who has lived without blame from his childhood? The fact was, that these unfortunate persons could not get employment, and were driven into a life of prostitution and thievery for the want of legitimate resources. The true character of a convict was to be discovered (as is said by one of the chaplains, the rev. Henry Winter, in his report of July, 1839), not from his conduct at the hulks, but from his constancy in resisting subsequent temptations. The evidence taken by the Lords on this point was very important. Mr. William Miles said, that, "There were many boys now in our gaols who would be honest if removed from evil associations, and put to any profitable employment."

Now, this was the very case of transportation.

"'A boy in gaol said one day to me' 'I have no character, Sir; when I come out of prison this day nine weeks, who will have me or look after me, Sir? And how am I to get a meal unless I thieve again?'"

Mr. Teague, a governor of Giltspur Street prison, said, that the convicts frequently resorted to him to get them some sort of employment to procure an honest meal—an application let it be remembered which neither Mr. Teague nor any other governor, have the slightest means of granting. Testimony to the same effect was given by the Rev. Dr. Cotton, the ordinary of Newgate,

"I recollect a boy (said he) to whom I said, as he was dismissed from prison, 'You are going out without a hat.' 'Oh, don't trouble yourself, Sir,' was the boy's answer, 'I will have one before night.'"

Of course his meaning was that he would steal one. But, perhaps, the very strongest evidence against the hulk system—the most earnest advice against it—came from the very person who was placed at its head, and entrusted with its execution. Mr. Capper, superintendent of convicts in the hulks, was examined by the Committee of the House of Lords, May 8, 1835, and was asked:—

"Are you aware, that there is any greater dread of transportation now than formerly? (He answered) 'Considerably more, the Governors of the Australian settlements being restricted as to granting pardons, it operates I know, very strongly, and is beginning to be well known in this country, by the felons themselves.' 'You think that is becoming gradually better known in England?' 'I think so. In the overgrown state in which we are, it is really desirable, that those men should go out of the country, for as to their getting employment when they are discharged, it is two to one, that it cannot be done, and, therefore, it is a charity, in the first instance, to transport them.'"

So strongly was the want of this employment felt, that a society was formed at Millbank, for the express purpose of aiding in providing employment, the originators of it being convinced, that it was impossible to reform the penitentiary without some such system. If they wanted a further illustration of the evils of the hulks, they had only to go to France, which maintained two convict establishments, at Brest and Toulon, which had grown into a gigantic evil, periodically letting loose a flood of the worst description of characters upon society. The noble Lord opposite, in his minute of January 2, 1839, had given so clear and graphic an account of the evils France laboured under in this respect, that he would read it in preference to any feeble description of his own. The noble Lord said,

"France is at present suffering from the mass of released convicts, who, after having been confined at the galleys, join the criminal portion of the community, perfect adepts in forgery and housebreaking, and connected by acquaintance and sympathy with all the thieves and swindlers of the community. The same result would occur in any opulent and populous community, where crime has every temptation, and industry is abundantly employed."

Might he not say with justice, that the noble Lord was one of those who

"Discern the better, and the worse pursue?"

Had it not been his course to inflict on England precisely the same system which he denounced in France? The evidence of M. Vidocq, a thief, who had afterwards turned thief-taker, was not very creditable, perhaps, but it was important. When he left the galleys, he stated that he was most anxious to lead a reformed life. He found great difficulty in obtaining employment, but he did obtain it at last. But whenever he met any of his former associates, they insisted on his joining them in their criminal projects, under the threat of revealing his former misdeeds to his employers. He had ascertained from several distinguished statesmen in France, that there was not one word of exaggeration in this; that the released convicts in that country formed the plague-spot of their social system, and the nucleus of every evil design, or attempt at plunder. The Councils-General of various departments in France had presented many petitions to the Minister of the Interior, and the Chamber of Deputies, strongly remonstrating against the continuance of this system, and suggesting that France should establish some kind of penal colony, "after the happy example of England." On these grounds he maintained that there was every possible objection to the description of secondary punishments proposed by the noble Lord, while it was the peculiar character of transportation that the very refuse and poison of one country, became the sap and nutriment of another; that the parent state was relieved of its thieves and depredators, who were turned into prosperous labourers for the enrichment of the colony, and that all this was effected by the magic of one single word—" employment." Such was the patriotic object of Mr. Pitt, and his colleagues, in laying the foundation of our Australian colonies. Thus a half-starved boy who has been misled into theft by ill associates, rather than his own evil disposition, or perhaps by utter want and hunger, may yet grow into an honest labourer, and in time, a prosperous yeoman. Thus, a woman, who has fallen from virtue, perhaps only by the basest arts, and treachery employed against her, and, God knows, how often it happens, that such arts and treachery are the cause of such a fall, and who, in England, while loathing and abhorring a life of prostitution, would yet be driven into it as her only resource for bread, would have honest employment offered, would have an opportunity of retrieving her lost fame, and would become, in time, a faithful wife and an exemplary mother. And, surely, we should be too happy at becoming the beneficent instruments, under Providence, for effecting such mighty good, and fulfilling such blessed designs! And why should we not fulfil them? Why are we told, that in a great degree, and in spite of every imperfection, they are not already fulfilled? But then they were told of the evidence before the Transportation Committee. He (Lord Mahon), objected to the report of that committee upon two grounds. First, that even while accurately relating particular facts of guilt, it holds forth these facts, not as single cases, not as the exception, but as the habit, as the rule. He would give an instance. A clergyman had been guilty of a gross irregularity, and upon this, the hon. Baronet, the Member for Leeds, pathetically deplored " the frightful system which corrupts the pastor as well as the flock." Now, the Bishop of Australia declared that this was a solitary instance, that it had never occurred either before or since. Several worse cases had occurred in England, and they must always occur in so large a body, though their occurrence afforded no ground for a general imputation. Another objection to which the report was liable was, that it constantly confounded the defects of the system with the system itself. Was it reasonable to infer, that the abuses of a system could only be cured by the abolition of that system? The noble Lord opposite, some years ago, entertained great objections to the then existing constitution of the House of Commons; but surely he would not have argued on that account that there should be no House of Commons at all. While, then, he fully admitted the objections that existed to the assignment of convicts as hitherto practised, he contended, in spite of the abuses of the system, that transportation had been attended with no inconsiderable degree of benefit, and that it had reformed many more criminals than would be reformed in England under any other system. On this point he would refer to the testimony of the Chief Justice of New South Wales, who stated, that under the system of transportation, thousands of criminals had been converted into useful members of society, and that but for it they would have been cut off from human fellowship. Similar statements had been made by the Attorney-general of the colony, and by the Bishop of Australia, as well as by several clergymen. He did not know whether they could do better on a subject of that kind than have recourse to the spiritual guides of those convicts, and to those exemplary clergymen who devoted their lives to the improving and raising the character of the inhabitants of New South Wales. He was ready to admit, that if they could prove that one system was better than another, as regarded the reformation of the convicts, that any question of profit or loss to the colonists should be treated as one of much less and altogether secondary consideration. On these grounds he admitted the objections to assignment, but he would not admit to the Transportation Committee that assignment must be identified with transportation. Last year, when the subject was before the House, he had quoted the opinion of the Bishop of Australia on the subject, but he had since then received a visit from a most respectable and worthy clergyman who had just returned from Van Diemen's Land, who confirmed all that had been stated by the bishop, and observed, that while many defects of the system of transportation must be admitted, still the amount of benefit derived from it was far greater. Again, he had the testimony of the rev. Mr. Bedford, the senior chaplain in Hobart Town, who had been seventeen years in the colony, and who alluded at a public meeting held in that town on the 29th of April, 1840, in very strong terms, to the moral improvement that had taken place in the conduct of the convict population. He said—

> "I have now been a clergyman in Van Diemen's Land for upwards of seventeen years. . . . I have had frequent occasion to announce divine service in the midst of harvest, and even then I never failed to procure a congregation. . . . Of the people of this colony I may say, that I never saw a more hospitable or kinder race of people in my life; and I should say, that they are a very moral people. Look at the improvement which has been made in the convict population, all of which has been derived from the moral culture bestowed on them by the free: look to the great number of reclaimed convicts—look to the exertions with them of private individuals."

This testimony was not confined to clergymen of the Church of England, but he could also appeal to the authority of the right rev. Dr. Polding, the head of the Roman Catholic clergy in that colony. That prelate said, in a letter to Sir Richard Bourke, dated May 6, 1836 (this letter was derived from Judge Burton's excellent work on religion and education in Australia), that there was—

> "A marked and acknowledged improvement in morals in the convict population, that by no means an inconsiderable number have shown a total reformation of conduct."

And he added—

> "This moral improvement amongst our people is, under the Divine blessing, steadily progressing."

These authorites ought not to be discarded by the House in forming an opinion on this subject. But it had been said, that even for the purpose of reforming criminals you had no right to send this species of population into a distant colony. This was an argument not against assignment merely, but against transportation altogether. They were told, that the more respectable inhabitants of the colony were exposed to constant plunder and violence by this class of population, that their property was insecure, that their families were contaminated, and that we had no right to clear the parent-state from its criminals to the detriment of the colonists. Perhaps the the best answer was that the colonists themselves most anxiously desired it. No greater proof could be given of the exaggerations which marked the accounts of the depravity and lawlessness ascribed to the convicts in Australia. As a proof of this, he would refer to a petition which was presented to the House last year from the colony of New South Wales. The petition was sent to the hon. Member for Liskeard, and, as far as regarded the abilities and zeal of that hon. Gentleman for a cause that he took up, there could not have been a better selection: but, unfortunately, the hon. Member for Liskeard had formed a strong opinion on the subject directly opposed to that of the petitioners, so that he contented himself with placing it on the Table, and bearing his testimony of the respectability of the persons signing it without attempting to give effect to its prayer. This petition was signed by 1,027 respectable settlers, and it strongly pointed out the advantages which had resulted to the colony from convict labour. It admits many previous abuses and errors in the system, but approves the main provisions of assignment, and urges the Government to postpone their decision upon it until a fuller enquiry. The petitioners declare their opinion, that—

> "Transportation is an admirable means of punishment, and of moral reformation to the convicts."

And they go on to ur ge—

> "That while the labours of the convict in the penitentiaries or prisons of the mother country operate to the injury of the poorer classes, who have either insufficient or no employ, and thus tend to augment the sum of pauperism, misery, and crime, the labours of the convict, even in the employ of Government in this colony, have a directly opposite effect, as he is converted by the mere process of transportation from a worse than useless burden into a positive advantage. The labours of the convict in this colony involve not merely no competition with the labouring poor at home, but, on the contrary, enhance the demand for labour there, by an immensely increased consumption of British manufactures of almost every description here, imported entirely in British vessels, and for which payment is principally made in raw material, afforded at its present prices by reason of its having been almost entirely raised by means of convict labour . . . It follows, then, that the continuance of transportation to any amount, so far from being an obstacle to the introduction of labouring emigrants, has the direct effect of enabling the colonists to make more extensive purchases of land, and thereby providing the means of increasing the amount of immigration, towards which they already contribute to the utmost of their ability; it is thus a system of healthy action and reaction within itself, and a combination of benefits almost unexampled."

A series of resolutions, involving nearly the same points, had been agreed to at a public meeting, held on the 29th of April, last year, at Hobart Town, but he would not trouble the House by reading them. It followed, then, that the colony, so far from being opposed to the course which had hitherto been pursued, and to the continuance of transportation, objected to the change introduced by the noble Lord, which had excited the strongest feelings of opposition and disapprobation in the colony; and, above all, they complained that it was adopted without sufficient notice. He knew that there was a strong desire amongst them that the system of assignment should be continued, but, he confessed, that he, like the noble Lord, entertained very serious objections to it. One of the evils of this system was, that the worst criminals might be assigned to a kind master, while those who had been guilty of less crimes might be handed over to the most harsh and cruel masters. By this means great injustice was inflicted in awarding punishment in no degree according to the degree of guilt of the parties. So far, therefore, the system was bad, and he agreed with the noble Lord that the time had come when a great change must be made in the system. He thought, however, that it would be very beneficial to the colony of Van Diemen's Land if they greatly increased the number of convicts there. He thought that a new penal colony might hereafter be beneficially founded on the northern coast of Australia. On this point he had the authority of Sir Richard Bourke, who was not a partial friend to transportation; he was the very first who, as Governor of New South Wales, addressed a despatch in 1834 to Mr. Secretary Stanley, recommending that the ending of convicts to that particular colony should be discontinued. That officer, on his return from the government of New South Wales, had drawn up a very able minute on the subject of transportation. It is dated December 26th, 1838. He stated—

> " From what I have seen effected in New South Wales, I am induced to set a high value upon the power of commanding convict labour during the first process of settlement in a new country. The great demand for labour incident to such undertakings has seldom, if ever, been adequately supplied by free people. Where these have been relied on, and no other description of labour obtained, the progress of the incipient colony has been slow and difficult; hence the striking contrast between the condition of the Swan River Settlement and that of New South Wales or Van Diemen's Land. South Australia is of too recent origin to be compared with the other settlements in New Holland, but it is now maintained, I believe, by borrowed capital, and the security is doubtful. It does not seem likely to make a better progress than Swan River."

How far this prediction, made in 1838, appeared verified in 1841, it was needless to point out. But to proceed. Sir Richard went on to admit that transportation was not an unmixed benefit to a colony, and should not be continued beyond a certain point, after the colony had attained a certain degree of internal strength. But he said—

> " I will venture to express my apprehension of the success of penitentiaries, upon a scale of such magnitude as to contain the whole number of offenders now sentenced to transportation. The expense of such a measure would be immense, and in countries fully peopled like Great Britain and Ireland it would be a hazardous experiment to return to the population the numbers which will be annually discharged from these prisons as sentences expire. Better far, in my opinion, to lay the foundation of a new colony on the north-western coast of New Holland, under management improved by the experience derived from New South Wales and Van Diemen's Land. The system which has been pursued there is susceptible of one great improvement—the discontinuance of assignment to private service. But in such case the period of strict servitude which would be devoted to public works should be shortened, and the settlers allowed to obtain the benefit of a convict's labour as a holder of a ticket of leave, the holder being compelled to seek his livelihood in a settler's service, by being restricted from setting up for himself in any trade or business during the continuance of his sentence."

These were practical suggestions, and he thought that, in accordance with them, the evils of the former system of transportation might be avoided, and great improvements effected. These questions of improvement he would leave where he ought to leave them—in the hands of her Majesty's Government. His motion only objected to the extension of the system of the hulks, which the noble Lord had laid down in his minute of the 2nd of January, 1839, and on which point he wished to take the opinion of the House. He most earnestly hoped that these views would meet with the support of the House, and that he should succeed in pressing on it the importance of the subject; and it was his anxious prayer, that our moral improvement would keep pace with our external aggrandisement, that a system of transportation should be so conducted as to secure both objects, so that while we cast abroad the seeds of future empire, we should at the same time best attain the two great objects of all penal legislation—to deter and to reform! The noble Lord concluded with proposing the following resolutions:—

> "That in the opinion of this House the large increase of the number of convicts to be permanently confined in the hulks of Great Britain, although sentenced to transportation in pursuance of the minute of the Secretary of State for the Home Department, dated the 2d of January, 1839, is highly inexpedient."

Lord *J. Russell* said, I cannot but regret with the noble Lord, that a subject of so much importance as the present has not received more attention on the present occasion than it did when I brought it before the House on a former night. I admit that the subject is an important one, but at the same time, after listening to the noble Lord with great attention, I do not see that the difference between our views of the subject is so very great. The noble Lord does not deny the evils of the system of assessment which Sir R. Bourke had described as leading to a state of slavery attended with the worst evils. With regard to the more immediate question involved in the motion of the noble Lord, that there has been no change in the system of transportation since the Lords' committee sat, I have to call the attention of the noble Lord to the fact of the proceedings before a select committee of this House. That select committee sat for a period of two years, and took a great deal of evidence, with respect to which, although there was much discussion in the committee, there was no difference of opinion, or division. The committee consisted of persons of various political opinions, as well as of persons who had bestowed considerable attention to the subject, and in proof of this, I have only to mention the names of those who were members of that committee. The committee consisted of Sir William Molesworth, Sir George Grey, Mr, Leader, Mr. Ward, Mr. Hawes, Lord Howick, Sir Thomas Freemantle, Mr. Baring, Sir Charles Lemon, Sir Jamas Graham, and one or two others besides myself, and this enumeration, I think, will show that the committee was fairly constituted, and that the members of it represented the various opinions held by parties in this House. Some of the members of it possessed considerable official experience, having been connected with either the present Government or the former Administrations, and others were persons who had devoted considerable attention to the subject, and had views of their own upon it; and what did this committee, formed as it was of various persons of various opinions do? Why they came to resolutions, the effect of which was, that transportation should be discontinued in reference to certain parts of the colonies of New South Wales and Van Diemen's Land, and that it should only be continued in places which were not settled, or rather in places remote from those where settlements existed, and it is the recommendations contained in these resolutions which the Government have since pursued. The noble Lord says, that there is great objection to the punishment of the hulks. No doubt there is great objection to the punishment of the hulks; but when you once stated that capital punishment was not to be used as an ordinary punishment, that the great majority of offences which incurred the highest penalty of the law, were to be otherwise dealt with—I say, when you once stated this, putting aside the objections to capital punishment, you then came to the adoption of a system of punishments the objections to which you could not easily get over. There were objections to transportation, and however objectionable punishment in the hulks and the present system of prison discipline may be, still until you point out a better system than the one now in operation, I submit your objections to it fail. One great objection to imprisonment in the hulks no doubt is, that the confinement tends to depress the spirits, and in a certain degree to endanger the health, without constant medical attention; but, at the same time, you must take into view, that the object of all punishment is to deter parties from the commission of crime, and if the noble Lord tells me, that he would remedy the evils of the present system, by sending the convicts out to New South Wales or Van Diemen's Land, where they could find employment, obtain high wages, and, perhaps, make large fortunes, notwithstending they had been transported from this country for stealing; why, then, I must reply to the noble Lord, by saying, that by such a course you incur another objection, namely, that the punishment would not only cease to deter parties from the commission of crime, but, in fact, offer a premium for it. By sending criminals to places where their health is preserved, and the elasticity of their spirits is not affected, what do you do? Why do you not tell the great portion of the ill-disposed population of this country, that by the commission of crime they will have a great prospect of bettering their condition, or, at all events, a great chance of drawing a prize from the lottery of transportation to Australia? Another objection to the present system is in effect, that the convicts, when discharged from the hulks, cannot find employment in this country. That, no doubt, is perfectly true. It is, however, one of the effects of punishment for crime in a settled country like this, that those who begin honest courses after suffering the penalty of previous dishonesty labour under disadvantage, in not being able to find employment as easily as persons of good character. This is an evil which, do what you will, you cannot remedy, because the result of punishment is to give to the good an advantage over the bad, in the way of obtaining employment. If, however, to remedy the evil of this natural result, you say that every person who forfeits his character by the commission of crime, should be sent to a country where the prospect of employment is open to him, what is the consequence? Why, that you incur the other objection to which I have adverted. Sir, I do not like, at present, to go into the large and important question with respect to transportation, and my reason for not going into it is chiefly because it was gone into with great care and impartiality by the select committee of this House, which had sat upon the subject. No doubt many of the statements made to that committee were much exaggerated, but then it is equally certain that those statements were not adopted by the committee in the report which they made to this House. Sir, I shall only go into one other matter touched upon by the noble Lord, and that relates to the subject of expense occasioned by the change I made in having a greater number of prisoners in the hulks than were transported. On this part of the subject I hold in my hand the account of Mr. Capper, dated the 24th of February, 1841. From this account it appeared that the expense of the convicts on board the hulks in this country was 32,333*l.*, and the value of their labour 32,472*l.*, while the expense of those at Bermuda was 12,000*l.*, and the value of their labour 12,246*l.* This statement certainly does not agree with the statement made by the noble Lord. Now, Sir, with regard to the whole question, I think it surely a question of degrees between the noble Lord and myself, because the noble Lord does not approve of the new system, and I am not prepared to support the system of imprisonment in the hulks. If, however, you put an end to the present system, and determine on sending the convicts to the colonies, what do you do? Why you make the colonies the repository for all the refuse of the population of this country. You make crime and immorality the staple of your colonies, and thereby injure their character, because the effect of sending out the bad of your own population can have no other effect than that of vitiating the population of the colonies to which your criminals are sent. Whatever, Sir, may be the evils of the difficulties experienced by persons coming out of the prisons of this country in finding employment, yet I do not think that you can justify in the eyes of the world establishing colonies, the great mass of the population of which shall consist of the refuse and worst of your own country. Therefore, it is, Sir, that I have been anxious to diminish transportation, though I must confess that I do not agree with the Archbishop of Dublin, and others, who think that transportation should be abolished. There are still, however, great numbers sent out, but not so many as formerly, owing to the alteration which has taken place in the criminal law. Of those who receive sentence of transportation for seven or ten years, comparatively few are sent out; but of those who are sentenced to transportation for ten or fourteen years, or for life, a great number are, and in, I believe 2,000 cases in each year the sentence is carried into full effect. Those who are sent to perform their sentences abroad are employed on public works in the colonies. They have to undergo hard labour, but they suffer none of those capricious punishments endured under the assignment system. I conceive that under the opinion of the Select Committee of this House, and, seeing the transition in the state of punishments which was going on, I could not take any other course than that which I have pursued. The noble Lord complains of the way in which the prerogative of the Crown has been exercised, and he objects to it on the ground that it is a wholesale exercise which ought not to have been permitted. It is not, however, true that this is the first time that the prerogative of the Crown has been so exercised, because, when Lord Melbourne was Secretary of State, for the Home Department, it was usual for convicts sentenced to transportation to be sent to the hulks. I some time since stated to the House that this system was not to be continued, and that I thought it would be far better, where prisoners were intended to be employed as labourers in the dockyards, that a sentence to that effect should be pronounced by the judge, instead of leaving the matter to the discretion of any other party. I still hold the same opinion, and I hope to be enabled during the present Session to make a proposition to that effect to the House. As it will not be necessary to come to any resolution on the motion of the noble Lord I beg, Sir, to move the previous question.

Mr. *Pakington* being a Chairman of quarter sessions, took a deep interest in this subject, the importance of which must be admitted by the House. The able manner in which his noble Friend had dealt with the question it would be impossible to praise too highly, and he could only say, that he concurred in the views of his noble Friend without being influenced by party views or hostility to the Government. He was willing to admit that the noble Lord, the Secretary for the Colonies, deserved great credit for the attention which he had bestowed upon the subject of prison discipline: but with respect to the present question he could not concur in the course taken under the minutes of 1839. He listened to the speech of the noble Lord, the Secretary for the Colonies, but he certainly thought the noble Lord had not answered the speech of his noble Friend. It appeared to him that there had been an undue exercise of the prerogative of the Crown with respect to the commutation of the sentences of transportation for seven years. The return of 1837 was not an accurate one, and, therefore, he should take that of 1839. In that year the number convicted was 3,657, of whom 1,835 were sentenced to seven years' transportation and 1,822 to other periods exceeding seven years. More than one-half of the whole of the convicts in that year, consequently, were sentenced for seven years; and as in their case the sentence was commuted for short terms of imprisonment not exceeding three years, its efficacy was completely frustrated. This was a state of things which he thought justified the interference of Parliament. If it were not intended to carry sentences for seven years into effect, he thought the judges should be empowered to pass such sentences as would be enforced, for otherwise the object of punishment would be altogether defeated by the uncertainty to which such a system as the present gave rise. It was not treating the judges fairly to leave them in ignorance as to whether the sentences they pronounced would be carried out or not; and enabling parties convicted of crimes and sentenced to transportation to return to the scenes of their depredations after short imprisonments, could be anything but satisfactory to either the magistrates or the neighbourhood, from whence they had been taken. The moral effect of such a course could not prove otherwise than injurious. It was manifest that sending parties to the hulks was a much less severe punishment than imprisonment in a House of Correction under the present system of prison discipline, and on this ground he thought himself justified in objecting to the wholesale commutation of sentences which had taken place. With regard to expense he maintained that his noble Friend was perfectly right. The statement of his noble Friend was founded on the return of 1839, and, as that return was signed by the noble Lord opposite, the inaccuracy, if any existed, was his, and not that of his (Mr. Pakington's) noble Friend. It could not be doubted that imprisonment on board the hulks was objectionable on several grounds —first, because it was impossible to preserve proper discipline in the crowded state of the hulks; and next, with reference to health, as it appeared from the testimony of the surgeon of the Warrior, that scurvy was gradually increasing among the convicts. It might be proper to abstain from sending parties who were physically incapable, either from age or any other cause, abroad; but in all other instances where sentence of transportation was pronounced, he maintained that the sentence should be carried into full effect, especially now that there was such a morbid feeling in the public mind on the subject of capital punishments. The hon. Gentleman, was sure that the substitution of short imprisonments had been attended with the worst results, and strongly recommended the adoption as speedily as possible of some well considered system of secondary punishments. Concurring as he did in the views of his noble Friend, he should support the motion.

Mr. *Hume* could not agree with the hon. Member that the feeling prevailing with respect to capital punishments which he was glad to know was general, was a morbid feeling. On the contrary, it was an active intelligent feeling, and he was pleased at it. An instance occurred within the last two weeks which showed the inexpediency of public executions, and he only hoped that such exhibitions would be put an end to. He had listened attentively to what had fallen from the noble Lord the Member for Hertford, and he was not aware that he differed from a sentence which that noble Lord had expressed. That noble Lord had collated with great propriety most valuable references from the authorities for the present system, and, holding that the noble Lord was correct, he hoped what he had stated would have its proper influence, and prevent the Government from commuting sentences as they had done. He had always deprecated the departure from the transportation system, and he hailed with satisfaction an announcement made some years back by the right hon. Baronet the Member for Pembroke, that it was the intention of the Government to put an end to the hulk system, and to send criminals to their proper destination, according to their sentences. With respect to the evidence on which the present system rested, his opinion was, that transportation ought not to be checked on such evidence, for it was clear they were acting upon exceptions and not in accordance with general rules. He regretted that the hulk system had not been put down, because the effects of restoring prisoners suddenly to society was an active cause of mischief, enabling them not only to engage again in vicious courses, but to contaminate the morals of the rising generation. This country, with her colonies, was little better than France and other countries without colonies. He thought they ought to take advantage of their colonies for the transportation of criminals, and his only regret was, that the noble Lord the Member for Hertford had not made his motion still more extensive. He was by no means satisfied with the experimental prison in the Isle of Wight. There were 230 young lads confined there at that moment, and no persons could behave better than they had done during their imprisonment. But when he asked the governor of the gaol, a very intelligent man, what would be their fate when they were liberated from prison, and whether he hoped they would become good members of society, his answer was, the same indeed as he had received from the governor of York and other gaols where he had made the same inquiry, that "Unless you can provide means for their obtaining a livelihood when they leave the prison they will be driven back of necessity to the course of life which led to their imprisonment." So that, after the expense of their being kept in that place of confinement for several years, they would in the end be turned out on society without being reformed, or, if reformed, without the means of getting a living. The noble Lord had done the public a great service by bringing this matter forward, and he was therefore sorry that the noble Lord the Secretary for the Colonies was not then present. He hoped, however, that it would be again brought forward, and that the separate proportions and various stages in which secondary punishments ought to succeed would be clearly stated, and that the opinion of the House would be taken on it. Some alteration was necessary to enable justice to be done. Could anything be more lamentable than the conduct of some of the judges? He saw some who had committed slight offences punished with heavy sentences, whilst those who had been guilty of heinous crimes were visited with light punishment. It might be a great protection, therefore, that the Home Department had the revision of those sentences. Not long since an individual, who had assaulted a policeman in the country, was sentenced by Mr. Justice Erskine to fifteen years' transportation; whilst in London, a noble Lord and a captain in the army, who had together almost murdered a sergeant of police, were not visited with any punishment. Was it thus that hon. Members complained of the wholesale commutation by the Secretary of State? He objected to that wholesale commutation too; but whilst they had so much inequality, so much injustice, towards the mass of the people, according to their circumstances rather than their guilt, he must say, it became a serious matter of consideration whether some alteration should not be made. He did not mean to impugn the noble Lord the Secretary for the Colonies in the least degree; for he must say, that considering that noble Lord's situation as a Cabinet Minister, he deserved great credit for the manner in which he had attended to the criminal jurisdiction of the country, and that no man could witness his proceedings in the course of those bills that had passed through the House without being convinced that he showed himself clear in his view of the course that ought to be taken. But he hoped that this Session would not be allowed to pass without the noble Lord bringing before the House the result of his opinions and experience on this subject, and that some system of secondary punishment might be arranged so as ultimately to do away with capital punishment.

Mr. *Law* said, that in concurring with the noble Lord who brought the subject before the House, that the system of substituting the hulks for the punishment of transportation was inexpedient, he did not feel that he thereby cast any censure on another noble Lord who had formed a different conclusion. He thought the public were indebted to the noble Lord for having brought before the House a subject of the deepest importance to the country. In any observations that he might address to the House he should not follow the hon. Member who had spoken last by going into the question of the abolition of capital punishments, or into the question of the inequalities of punishments in this country. It was not to be supposed that the House could be capable of pronouncing a correct opinion as to the inequality of any punishment as compared with another unless hon. Members were perfectly acquainted with all the circumstances of the case. He was confident that those concerned in the administration of justice entertained the opinion which at the present day was so prevalent generally, namely, that it was desirable to have as small an amount of punishment as possible consistent with the great object of punishment—he meant example. The principle which actuated those who sat on the bench in this country was always to administer justice with a proper consideration of mercy. With respect to the substitution of the punishment of the hulks for transportation, it would be necessary to remark that the judge had to decide in certain criminal cases whether they were such as admitted of the punishment of imprisonment being applied, or whether it was necessary to resort to the sentence of transportation, and it was, therefore, not expedient that, after the Judge's decision as to what the punishment ought to be, another punishment should be substituted for it. With regard to the punishment of imprisonment, his experience in the Criminal Courts did not convince him that it was a punishment which was attended with the desirable results. It often happened that in the very week, or even sometimes on the very day, of the prisoner's discharge upon the termination of his punishment he committed another offence. As compared with imprisonment in serious cases, transportation was decidedly preferable. Indeed, he did not see any other effectual secondary punishment which could be introduced. There were evils attendant upon transportation, but there was no doubt that the system was susceptible of great improvement. It would be a great improvement, if an ascending scale of punishment were adopted in the country to which the prisoners should be transported. He was at a loss to know what could be substituted for transportation as a secondary punishment. At the same time that he concurred with the motion before the House, he did so with the highest appreciation of the exertions which had been made in connexion generally with the subject of punishment by the noble Lord at the opposite side of the House, but he (Mr. Law) did not think it expedient to continue to extend the evils that were attendant upon imprisonment. He did not believe the punishment of imprisonment was capable of effecting the objects that were to be desired from it, as it regarded the individuals so imprisoned, although it might be more effectual in the way of example.

Mr. *Fox Maule* said, the discussion had as might very naturally be expected, gone into almost every subject connected with imprisonment and secondary punishment.

He was not astonished at its taking so wide a range, for no one could moot so important a subject without its leading to a general discussion. He should, however, confine himself to the question raised by the noble Lord who introduced the motion as to the state of the hulks, the system adopted in them, and the advantages which he was of opinion attended them to a certain extent. In 1837 a committee was appointed to inquire into the subject of transportation, and that committee was unanimous in opinion as to the effect of transportation, particularly directing attention to the assignment system. Upon the report of that committee his noble Friend (Lord J. Russell) proceeded to act. The report put forth, in a manner not to be mistaken, the opinion it entertained of the evils which had resulted from the system of assignment; and his Noble Friend felt it necessary to consider how he could best carry out the views of the committee. He did not mean to uphold the hulks as anything like a perfect establishment; but it appeared to him that it was best to have recourse to them as a punishment, until they saw what might be done in the way of providing a proper and efficient means of secondary punishment, seeing that the system of assignment had been so much disapproved of by the committee. When the assignment of convicts was thus opposed, they could not send out such numbers to New South Wales as they had been able to send out during the system of assignment. Those who were afterwards sent out could be only employed on works of a public nature, and, as they were concentrated under the newly-adopted system, if the convicts were sent out in as large numbers as before, the two places to which they were sent, Norfolk Island and Tasman's Peninsula, would be soon glutted. His noble Friend immediately looked about for some means of employing those sentenced to transportation for a short period, and he accordingly determined upon a system which had been formerly adopted and which had been condemned, but which his noble Friend thought was the best substitute for transportation until some better means of secondary punishment should be discovered. In the meantime his noble Friend had not been idle. He did not neglect to lay the foundation of an experiment upon the subject of secondary punishments, and he accordingly applied to the House for a grant to establish an experimental prison, where imprisonment as a secondary punishment might be satisfactorily tried. He thought it better in the case of convicts sentenced to seven years' transportation to send them to the hulks under certain regulations, but he did not do so without putting forward his views on that subject in a paper which had been laid before the House. Since 1838, up to the present year, the system of extending the hulks has been adopted, and he should take leave to say that there were several statements made by the noble Lord who brought forward the motion which the noble Lord would find were not quite sustained if he had been better acquainted with all the circumstances connected with the system since the repopulation, as he might term it, of the hulks. He did not mean to say, that in the hulks the same degree of separation and silence could be secured which was practicable in prisons on shore; nor did he mean to say that there was more communication in the hulks between persons of bad character than was desirable; but he could assure the House that the character of the hulks, as at present constituted, was very different from that which existed under the former system. Those who were intrusted with the care of the hulks gave their constant attention, morning, noon, and night, to the prisoners who were in their charge. There were many of the convicts who, on entering the hulks, were not only uneducated but ignorant of the common principles of morality, and numbers of those so situated had shown much willingness to listen to the instructions which were offered to them. There was one question which the noble Lord raised, and he (Mr. Maule) was afraid it was one in reference to which it was far easier to start objections than to point out a remedy; it was, what was to become of the convicts after their imprisonment had terminated? That was certainly one of the most difficult questions which could possibly be put. It was quite true they might be able to reform to a certain extent a person so imprisoned, but upon his return to society, he was looked upon as an individual who had to a certain extent a stain upon him. If they were kept in this country there would be a difficulty in their finding employment at honest labour, and if they were sent abroad to any settlement there would still be a stain on them. From inquiries which he had made he ascertained that in such settlements, so long as it was not known that the individual had been at any time the inmate of a prison at home, so long he did not feel any effects such as he had alluded to; but the instant it became known that he had been the inmate of a prison at home a stain attached to him from that time forward. Suppose they were to establish a new colony, consisting of persons so situated, it might go on well for a few years, but such a colony would in time become a settlement for free individuals, who would no doubt in their turn complain that convicts were intruded upon them. With regard to a system of secondary punishment, he was not able to say that his noble Friend would be prepared to lay such a proposal before the House during this Session, nor would he promise with certainty that it would be brought before the House in the ensuing Session of Parliament. An impression prevailed against imprisonment in the Penitentiary. But at present a model prison was in progress of erection in this country, which would give them a fair opportunity of giving a fair trial to the experiment of secondary punishment. But until the public mind should have been fully satisfied on this subject, he thought that it would be premature to lay down any wide or extensive system of secondary punishment. He fully agreed with the noble Lord, that the discretion of commuting the punishment of transportation into hard labour at home ought to be taken out of the hands of the Secretary of State, and he thought that hard labour in the dockyards, if it was to be maintained, ought to be so as a minor punishment, to be inflicted only at the discretion of the judge. The noble Lord was mistaken, when he stated that a sentence of seven years transportation was often commuted into two years hard labour at the dockyards. The entire practice in this respect had been reviewed within the last two years. Every prisoner was certain to undergo a punishment of two years imprisonment. Then when this period had expired commenced a certain number of musters, and unless during that period the conduct of the convict proved either good or very good, he received no remission; so that a prisoner sent to the dockyards never received a remission of his punishment before three years, and very seldom before three years and a half, at which period, if he conducted himself well, he might be recommended for pardon on account of good behaviour. With respect to what had been stated as to the expense of maintaining that system, it would be found by the latest returns that the value of the labour performed by the convicts was nearly equal to the cost which the system was to the public. However, in a question of this kind, expense was but a secondary consideration, and what they ought to consider was, whether as a temporary system it was so bad as to induce the House to condemn it. He entirely concurred in the opinion that had been expressed with respect to it as a permanent system, and he hoped that his noble Friend would be able very early to introduce a measure to take away from the Secretary of State the power of inflicting the more moderate punishment, and placing that power in the discretion of the judge. With respect to the treatment of prisoners, there was nothing to show that they were not treated with kindness and humanity. As to the number of convicts who had died during the year at Woolwich, it should be recollected that last winter was one of unusual severity, and it was not surprising that persons whose constitutions had been enfeebled by previous vice and dissipation, should have been more open to its effects. But it appeared from the report of the medical officer who had charge of these convicts that the deaths in the hospital were not more than one in thirteen, which was rather below than above the average in the large hospitals. In conclusion, he hoped that the noble Lord who had brought forward this motion, would not, after what had been stated, press the House to the expression of any opinion upon it. He must see that the publicity which the subject would attain by means of this discussion would accomplish all that the noble Lord could wish with respect to the subject.

Mr. *Estcourt* expressed his grateful acknowledgments to the noble Lord for bringing this subject before the House, since it had been the means of eliciting from the noble Lord opposite and the hon. Gentleman (Mr. Fox Maule) a most satisfactory piece of information—namely, that they were engaged in some measure, which, in the present Session, would be brought before Parliament, for putting an end to a system which, he was able to state from experience, was one of the greatest of evils—the uncertainty of punishment. He was glad to find that no person was liberated from the hulks till he had undergone three years' confinement, and that then he entered on a system of probation. But though a convict could not be released till after three years and a half, yet when the punishment to which a convict was sentenced in face of the court was seven years, an impression was made, that he obtained a mitigation of his punishment through favour. It had been clearly shown that the hulk system had failed as a means of reformation.

Viscount *Howick* did not defend the present system of the hulks; he considered it a bad system. There was no classification; one convict was not separated from another, and the system was so radically vicious, that the sooner it was dispensed with the better. But, although he objected to the system of placing convicts on board the hulks, he trusted that the House would not adopt this resolution, which, though it did not in express terms recommend the system of transportation which had been abandoned, it must be considered, coupled with the speech of the noble Lord, as a condemnation of the present plan of detaining an increased number of convicts in the hulks, not merely as a permanent system, but even as a temporary expedient, which must have the effect of restoring the system of transportation to our Australian colonies as heretofore. It was impossible to exaggerate the mischiefs of such a course. The noble Lord had in his speech passed over lightly the facts and arguments contained in the report of the committee of 1838 on the subject of transportation. His reference to it was most cursory and most unsatisfactory. The noble Lord said, he would not defend the system of assignment which formerly existed. The assignment system was neither more nor less than slavery, and slavery of the very worst description which it ever entered into the heart of man to conceive, demoralising not only to the slave but to the master. There was proved to exist a general demoralization of the population of New South Wales, such as never existed on the face of the earth. The press and every criterion of public opinion showed that a feeling in favour of the convict class existed over that of the free class in New South Wales. He trusted, that this state of society had since been corrected by the non-assignment of convicts, and by the number of new settlers. It was impossible to preach to the labouring population and to the artizans of this country of the advantages of emigration to New South Wales, and of the great demand for labour there, and at the same time to send convicts there and assign them as labourers, and state that this was the worst possible punishment. But if the system of assignment was to be abandoned, what was the alternative, supposing transportation to be continued? The only alternative was, that the convicts should be retained under the immediate charge of the Government, and be employed on the public works. But was not that precisely the same punishment as was now inflicted upon the convicts in the hulks? Nor was forced labour of the same kind likely to be attended with better results in the colony than it was in the hulks; because there the difficulty of getting good superintendents of character being so great, the convicts were necessarily placed under the charge of convicts. He thought the recommendation of the committee that convicts should, as speedily as possible, be subjected to imprisonment under a proper system, and in proper buildings at home, a good one. That system could not at once be introduced, because the proper prisons did not exist, but the Under-Secretary of State, for the Home Department, had called attention that evening to the fact that experimental buildings for trying the effect of imprisonment on this plan were already in progress. He admitted, that it was an advantage in the colonies that convicts, owing to the great demand for labour, had a better opportunity of obtaining employment from employers being less nice about a man's character than they were at home. But, according to the recommendation of the committee, facilities were to be afforded to persons after their punishment was undergone in this country to be removed to the colonies, in order that they might have the means of maintaining themselves by honest industry. The opinion of the committee was against collecting large bodies of persons together instead of diffusing them as much as possible. He most earnestly hoped that transportation, as it had hitherto existed, to the Australian colonies would not be revived. If the House were to adopt the resolution of the noble Lord opposite, it would revive the system of assignment and that low and degraded state of society which formerly existed in New South Wales. He, therefore, for one, could not concur in the resolution.

The House divided on the previous question, namely, that the Question be now put; Ayes 49; Noes 28: Majority 21.

List of the AYES.

Arbuthnot, hon. H.	Baker, E.
Bailey, J., jun.	Baring, H. B.

Baring, hon. W. B.
Bolling, W.
Bradshaw, J.
Chapman, A.
Dalrymple, Sir A.
Davies, Col.
East, J. B.
Estcourt, T.
Farnham, E. B.
Fremantle, Sir T.
Gladstone, W E.
Gladstone, J. N.
Goulburn, rt. hon. H.
Grimsditch, T.
Halford, H.
Hodgson, R.
Holmes, W.
Hope, G. W.
Hume, J.
Johnson, Gen.
Jones, Captain
Law, hon. C. E.
Lowther, J. H.
Marsland, T.
Mathew, G. B.
Mordaunt, Sir J.
Palmer, G.
Patten, J. W.
Plumptre, J. P.
Pringle, A.
Rae, rt. hon. Sir W.
Richards, R.
Rolleston, L.
Rose, rt. hon. Sir G.
Salwey, Col.
Sheppard, T.
Shirley, E. J.
Sibthorp, Col.
Sotheron, T. E.
Trotter, J.
Turner, E.
Vivian, J. E.
Wakley, T.
Williams, W.
Wood, B.

TELLERS.

Mahon, Visct.
Pakington, J. S.

List of the Noes.

Baring, rt. hon. F. T.
Barnard, E. G.
Brodie, W. B.
Brotherton, J.
Busfeild, W.
Chichester, Sir B.
Duke, Sir J.
Fitzpatrick, J. W.
Gordon, R.
Greg, R. H.
Handley, H.
Hawes, B.
Howick, Viscount
Marsland, H.
Muntz, G. F.
O'Brien, W. S.
Pigot, rt. hon. D.
Rundle, J.
Scholefield, J.
Stewart, J.
Strickland, Sir G.
Sturt, H. C.
Teignmouth, Lord
Thornely, T.
Warburton, H.
White, A.
Wood, G. W.
Yates, J. A.

TELLERS.

Maule, hon. F.
Smith, V.

Resolution agreed to.

PROPERTY TAX.] Mr. *Scholefield* rose to move the following resolution:—

"That the assessment of all property, real and personal, within the United Kingdom, would be a fit and proper substitute for such of the taxes of excise and customs as press most heavily on the middle and industrious classes; and that such alteration in the mode of raising the public revenue would be calculated, in a high degree, to enhance the value of all property, particularly, by leading to the fuller developement of the copious sources of wealth in this kingdom and its vast dependencies."

He contended that the present system of taxation was extremely unjust to the working classes; it pressed them to the earth and kept them there. The revenue, under the present system, was raised principally, if not altogether, from the necessaries of life, and that alone was a strong reason for introducing a different system. The present system of revenue, moreover, was extremely partial; it favoured and protected the rich at the expense of the poor. In Birmingham and other manufacturing districts, the operation of the present indirect mode of taxation was felt to press with extreme severity, and unless some alteration was introduced, it was impossible that the country could meet the demands imposed upon it. The effect of the present system was to introduce civil war between debtor and creditor, and strife of the worst description between the employer and the employed. Surely it was time that some remedy should be applied; and he, for his part, saw no remedy that was likely to correct the evils of the present system, except the introduction of a system of direct taxation upon property. He believed that the pressure upon the working classes arising from the present unequal system of taxation, was the main cause of much of the immorality and crime that unfortunately at present existed. The working classes were, at present, disaffected, and why? Because they met with no sympathy on the part of that House. So dissatisfied were the working people with that House, that they had resolved to abstain from even petitioning for the redress of grievances; and he must say, from the experience he had hitherto had of that House, the working people were right. He trusted that the House would see the propriety of instilling a different feeling into that most important body, the working classes of the people. He would content himself by moving the resolution he had already read.

Mr. *Muntz*, in seconding the resolution, said, that the proposition gave the House of Commons an opportunity for showing that it had some sympathy for the distress of the people. The poorer classes in this country were taxed out of all proportion, as he believed they paid nearly two-thirds of the entire taxation of the country. It was said that taxation and representation ought to go hand in hand, but that was not the case. The people were not represented, of which he could not have a better proof than the state of the benches around him. How did the House of Commons guard the interests of the people? By making Corn-laws which limited their subsistence, and monetary laws which oppressed them still further. The consequence of this was, a state of things in which no trade bore any thing like a legitimate profit. In his opinion, the only remedy for the national distress was a property tax, and he should, therefore, support the motion of his hon. Friend.

Mr. *E. Turner* regretted to see so small a House on a question of this importance. There was evidently no desire on the part of the House to divide; and, if the question came to a division, it would be evident that the lower orders of the people had not representatives in that House who had sympathy with them.

Mr. *W. Williams* said, he held in his hand a return which showed the articles consumed principally by the poor and middle classes. The first items in the return to which he alluded were spirits, malt, and hops, which articles paid a tax of 13,180,000*l.* The next items were sugar, tea, coffee, and tobacco, which four articles paid a duty of 12,700,000*l.* The duties paid, too, were not according to value, but according to weight and measure, so that the coarser articles, consumed by the poorer classes, paid a much heavier duty in proportion to their value than the finer articles consumed by the rich. Proceeding to another class of items, such as butter, cheese, currants, corn, cotton, sheep's wool, candles, tallow, glass, timber, and excise licences. These duties amounted to 9,300,000*l.* per annum, and were also collected upon the weight and measure system. Thus there was a total taxation in these items of upwards of 35,000,000*l.* If he went to the consideration of the stamp duties, he found the duties on the smaller stamps much heavier in proportion than on the larger. In reference to the window duty also the burden fell more heavily on the middle class than the rich. The taxes he had enumerated amounted to 43,700,000*l.*, whilst the total taxation was 52,000,000*l.* Those items of taxation more exclusively paid by the richer classes only amounted to 5,200,000*l.*, collected principally on the articles of wine, silk, auctions, post-horse duty, and assessed taxes, excluding window duties. Now, it was his opinion that, if we wished to preserve our manufactures, it was absolutely necessary to reduce the burden of taxation on the poorer and working classes, which at present swallowed up full half their wages, and which were enhanced at least twenty-five per cent. by the profit of the wholesale and retail sellers of the taxed artioles, the taxes on which must be paid before they can be sold to the public, and consequently form a part of the cost price. Some hon. Members looked to the repeal of the Corn-laws as a source of great relief. He believed it would afford some relief, but he thought those persons much mistaken who imagined that a repeal of the Corn-laws alone would enable the manufacturers of this country to compete with their comparatively highly taxed foreign rivals. He had no hope, that this motion would be carried yet, but he believed, that the time must soon come when the discontent of the working classes out of doors would compel the House to attend to the consideration of relieving them from the burdens under which they now groaned.

Mr. *Fielden* said, that nothing could show more convincingly how this House was constituted, and the way in which the interests of the people out of doors were treated by its Members, than a comparison of the appearance of the House last night, with the state of the empty benches this evening. He however thanked his hon. Friend for bringing forward his motion, as whatever might be its fate here, it must do good in the result.

The *Chancellor of the Exchequer* said, no doubt hon. Gentlemen would be inclined to draw an unfavourable inference, from the appearance of the House this evening; but it would not be fair, he thought, to attribute the absence of Members to a dislike to enter upon the discussion of any subject practically affecting the interests of the people. He believed, that Englishmen were of a peculiarly business-like character, and that whenever business was to be done, the Members of this House would assemble in large numbers to attend to it, but that whenever it was generally supposed, that a resolution was to be moved, which could not with any practical use, be put upon the Journals of the House, they thought it no dereliction of their duty to stay away. His hon. Friend had brought forward this motion, no doubt, with the very best intentions, and he (the Chancellor of the Exchequer), was much obliged to him for his suggestions, and would certainly take them into consideration, with the various other projects relating to finance which were continually being offered to him. But, at the same time, he did not think it would be judicious to press this resolution at the present moment; for the adoption of it, unconnected with some other definitive matters of legislative detail, would immediately throw the whole of the commercial interests of the country into commotion. When the variety and importance of our trading interests were considered, which under existing laws were affected by the customs and excise, the announcement of the principle advocated by the hon. Member for Birmingham, would throw the whole of those interests into commotion, until the bills were brought in to regulate those taxes and duties which respectively affected them. He thought, that before the hon. Member called upon the House to affirm a resolution such as that which he now proposed, he should have been prepared to state what taxes he would repeal, upon succeeding in establishing a property tax. For his own part, he recollected, that a property tax had already been tried some years ago; and he could not forget, that at that period no language was considered too violent in deprecation of it, and that those who were most strongly opposed to it, were those who were engaged in commercial pursuits. Ten years ago, a noble Friend of his (Mr. P. Thomson, now Lord Sydenham), brought forward a motion on the subject of a commutation of taxes; but, in recommending the adoption of a property tax, for that must be considered as the practical result of his proposal, his noble Friend also specified the taxes which he would reduce or abolish. Of the articles so specified by his noble Friend, extending to seventeen in number, by far the greater number had already been wholly or in part freed from taxation. The tax upon hemp had been repealed; that upon soap had been reduced; that upon sea-borne coals had been repealed; that upon glass had been reduced; that upon calico had been repealed; that upon sugar had not been touched; that upon tea had been reduced; that upon tobacco had not been touched; that upon foreign spirits had not been touched; but that upon foreign wines had been reduced; and the duties for sea policies, upon fire insurance, upon newspapers, and upon advertisements, had all been modified or reduced; so that out of the seventeen items of taxation set down by his noble Friend for commutation for a property-tax, there were only four which had not since been either repealed, reduced, or modified. This had been done without the adoption of a property-tax. He was afraid, however, that they were not at the present moment in a state to enable them safely to hold out the same prospects of reduction of taxes. As he had said before, however, he should certainly give his best attention to the subject mooted by his hon. Friend; and his hon. Friend having obtained what he thought was his hon. Friend's object, namely, that of bringing the subject under the attention of the House, and of her Majesty's Government in particular, he hoped he would not think it necessary to press it to a division. His hon. Friend's motion was framed in terms very proper as a matter for discussion, but hardly in that practicable form to be of any useful result on being negatived or affirmed on a division. He should, therefore, beg, as an amendment, to move, "the previous question."

Mr. *Hume* was bound in candour to confess that his hon. Friend the Member for Birmingham, in the way in which he had introduced this subject, had not done it that justice to which it was entitled: otherwise the Chancellor of the Exchequer could not have treated it quite so glibly as he had done. He begged to differ, however, with the Chancellor of the Exchequer as to this being a proper subject to press to a division. He had no hesitation in saying that the taxes of this country were apportioned most unequally, and consequently most unjustly. It might be very true that certain items of taxation referred to by the right hon. Gentleman had been repealed or reduced since the noble Lord's motion ten years ago in favour of a property-tax. But the broad state of the case was still the same; the same inequality in the apportionment of the public burdens still continued. The higher and wealthier classes of society did not pay above 24 per cent. of the taxes, whilst the remaining 76 per cent. fell upon the middling classes and the working man. The constant effect of the present system was to exempt property from taxation, whilst, at the same time, property claimed the exclusive privilege of legislating for the rest of the community. A more nefarious or ruinous principle could not be conceived, and it was very important, in his opinion, that the subject should be brought forward, and that the House should have an opportunity of expressing its opinion upon it. By affirming the resolution of his hon. Friend, they would be establishing this essential principle, that industry ought to be relieved from taxation, and that persons of large property ought to pay in an equal, if not greater proportion than their industrious and struggling neighbours. Why, under the present system, a man might have an income of 50,000*l.* a-year, and yet manage in such a manner as not to pay more taxes than a man with an income of 100*l.* a year. Another very hard case was, that whilst every description of personal property was taxed enormously, landed property was almost wholly exempted from taxation. The Chancellor of the Exchequer ought to revise the whole system of taxation. He should press on those who could bear the burden, and not on those who were perishing in wretchedness from day to day. If his hon. Friend had read the statement with which he was prepared as to Birmingham, it would show that, during no period of the last fifty years, was present distress exceeded. Let them go to Sheffield, Manchester, and Leeds, and they would find that our most flourishing manufacturing towns were at last reached by the prevailing difficulties. Under these circumstances, it was becoming that the Government should stop an evil which was spreading so fast. The poorer classes were not only burdened by taxation, but by regulations which tended to deprive them of employment. If ever there was an opportunity afforded for revising, not only the imposts, but the internal taxation which so hampered and restricted industry, it was now presented. The Government would never move until the House passed some such resolution as the present. If they did not take the step in time, they would, ere long, be compelled to arrest an evil arising in the lower, and fast spreading to the upper classes of society. He should affirm the resolution as condemnatory of unequal taxation, and, because unequal, unjust.

Mr. *Goulburn* maintained that the proposition of the hon. Member for Birmingham was not at all such as had been represented by the hon. Member for Kilkenny. It was not a resolution declaratory of the alleged unequal pressure of taxation, but amounted simply to an assertion "that the assessment of all property real and personal would enhance the value of all property," a manifest absurdity. It was impossible to exaggerate the evils which would inevitably arise in a state of society so artificial as this from any sudden change in the whole system of taxation. If, therefore, this motion did, as he contended it did not, simply affirm that such a change would be expedient, he, for one, should refuse his sanction to a resolution which, without fixing anything for the future, would throw at present all things into a state of irretrievable confusion. He defied the hon. Member for Kilkenny to prove that under the present system the poor man was oppressed, while the rich was exempted from taxation. The question of taxation was not one to be judged of hastily, merely by the amount of money paid by one individual or another to the tax-gatherer. The best mode of imposing taxes had been a disputed point in all communities. Some persons imagined that it would be advisable to take away at once so much of the capital of the country as would be necessary to bear the necessary expenses, while others thought it more expedient to operate upon that capital when it had become diffused throughout the community, and was expended in the various commodities required for consumption by all. He certainly was in favour of the latter mode; and his firm conviction was, if by adopting a proposition like the present, they violently removed that capital which put the whole industry of the country into operation, instead of taxing it in its diffused state, not only would the greatest confusion follow, but employment would be greatly diminished, and irreparable injury sustained by all the industrious classes.

Mr. *Wakley* thought the worst system of taxation was that which supported an exorbitant expenditure. But, as his hon. Friend did not propose any reduction, but only the continuance by another mode of the present amount of taxation, he was surprised that the motion did not seem agreeable rather than otherwise to the House. His hon. Friend had tacked a sentence to the end of his motion, as a kind of bait for the great landed proprietors, who, however, were not so short-sighted as he might suppose them to be. He imagined that they would think his proposition, if carried into effect, would increase their incomes; but they appeared to be incredulous upon that point. The hon. Member had said that if this resolution were carried, the people would be convinced that it was the intention of that House to benefit the industrious classes. But from what he knew of the public mind he was sure the people would not be so easily convinced of so extraordinary a fact. It would take more than the passing of such a resolution to convince the working classes and the industrious portion of the community that there was a disposition in that House to lessen their burdens. The painful experience of many years had established in their minds a deep-rooted conviction of a totally opposite fact. If the House would produce a different opinion amongst the people, they must set to work in right good earnest, and prove by deeds, not words, that there was a heartfelt desire in that Assembly to ascertain fully the cause of the sufferings of the people, and to apply a speedy and effectual remedy. The Chancellor of the Exchequer in his very good-humoured speech, when he was wheedling and toying with the hon. Member for Birmingham, and trying to woo and win him into an abandonment of his resolution, was pleased to say that he had gained his object. "I really believe," said the right hon. Gentleman, "that my hon. Friend has gained his object by bringing this resolution before the House." Now, supposing the hon. Member for Birmingham had gained his object, certainly the Chancellor of the Exchequer might say of him that he was a man of very small expectations, for he believed that no hon. Member had ever submitted any motion to that House considering the extraordinary importance and vast magnitude of the question it opened, by which so little had been gained. What had his Friend gained? Was there a single promise, or anything like a promise, that any reduction of taxation was to be made or any change whatever for the better to be attempted? Had the Chancellor of the Exchequer proposed to relieve the labouring and industrious people of this country in the slightest degree from that heavy pressure under which they now laboured? No. On the contrary, the arguments laid down were calculated to agitate the fears and excite the apprehensions of, not only the industrious classes, but people of small capital also. The Chancellor of the Exchequer considered the proposition of his hon. Friend dangerous. "Take care what you are about," said he, "lest every thing in the country be thrown into confusion and ruin, for such must be the natural result of any sudden alteration in the mode of collecting the taxes." Well, then, there was to be no speedy change. But if it could not be sudden, might it not be gradual? Why did not the right hon. Gentleman say, that at some distant day a considerable change might be made, even if he qualified the declaration of the necessity for approaching that change gradually? When the right hon. Gentleman entered on his present office, he did so with professions of good intentions and with a mind ready prepared to meet the difficulties which he anticipated were connected with the duties of the situation. But he (Mr. Wakley) feared that the right hon. Gentleman, like those who had preceded him, proved that he had got into a huge machine which moved him, and not he the machine, so that if he attempted to turn round only for a moment to resist the impetus which urged him onwards he would be crushed by the uncontrollable force behind him. But then, it was the duty of the representatives of the people in that House to come forward as a body in the discharge of their duty, and aid the right hon. Gentleman and the Government, if they manifested any desire to relieve the distresses of the people. It was utterly impossible for the Chancellor of the Exchequer, without the sanction and support of that House, as an individual, to make those changes which the state of the country absolutely required. But when he looked around and saw the state of the House after such a motion as this had been placed upon the paper, a motion which after all embraced the principle of a property-tax, he was surprised. Where were noble and testy Lords? He did not think there was a Lord in the House. He would not stop to ascertain what amount of loss the people would sustain if they never came back to it again. Yet it was a remarkable fact that there were no Lords in the House on that occasion. [*Oh, yes.*] He begged pardon of those noble Lords, and quite envied them on account of their honourable exception. But on a question of such magnitude, involving all the interests of the country, and particularly those of the working people, one would have supposed, even if the motion had not embodied what the great majority out of doors desired, that still noble Lords would attend to enlighten the House with some of that vast knowledge they possessed on all subjects. At all events, the leading Members of the two great influential parties in that House might fairly have been expected to attend, especially in the present day of extensive commercial embarrassments, to state their views with reference to a property-tax. But they were left with a House of fifty

Members to discuss a motion of such importance. Indeed, a short time ago, there were not forty Members present—not, in fact, what was called a House. He must say, that he thought that those hon. Members who absented themselves on the present occasion treated the country with great neglect.

Colonel *Sibthorp* rose amidst loud cries of "hear." The hon. Member for Finsbury was always inveighing against the Government, but why did he sit with them? "Tell me your company, and I'll tell you who you are." There was, certainly some ground for the complaint he made of the absence of the leading Members of the Government, for the right hon. Gentleman (the Chancellor of the Exchequer), in his solitary position on the Treasury bench, seemed like an outcast sent there to do the whole business of the Government, while his colleagues were enjoying the luxurious scenes from which he was excluded. The hon. and gallant Officer declared that it was his intention to oppose the motion.

Mr. *Mark Philips* would advise his hon. Friend to withdraw his resolution for the present. The state of the House had been alluded to by several Members, and he would suggest to his hon. Friend to bring it on again on some night, when circumstances would compel the attendance of those whose duty it was to be in their places when so grave a subject was under consideration. He would suggest the night appointed by the Chancellor of the Exchequer for the bringing in the budget. He did not wish to get rid of the subject. He had, so far back as the year 1834, placed on record his opinion, that the taxes pressed too heavily on the industry, and too lightly on the property of the country. In 1834, he had voted in favour of the motion for the repeal of the Malt Laws, though Lord Althorp had threatened, that a property tax would be the consequence if that motion became law. He had since then parted company with hon. Gentlemen on the malt question, because he found, that they sought for a repeal of the tax, exclusively with a view to the benefit of the agricultural interest. He was well aware, that a property tax would be inconvenient to those who had to pay it, but it would compel them to consider how injuriously taxation pressed on other parties. If his hon. Friend divided the House, he should vote with him; but he was anxious, that this important question should be entered on with the fullest House possible, and, therefore, advised him not to press for a division at present.

General *Johnson* rose for the purpose of making a request directly opposite to that made by the hon. Member who last spoke. He hoped the hon. Member for Birmingham would divide the House. He deprecated the practice of hon. Gentlemen bringing forward motions, and thus abandoning them without a division. He would say, in reply to the right hon. Member for Cambridge, that the resolution contained a very plain principle.

Mr. *Scholefield* expressed his opinion, that even the landlords would benefit by the removal of the taxes on articles of general consumption, and his determination to divide the House.

The House divided on the previous question, namely, that the question be now put;—Ayes 27; Noes 40: Majority, 13.

List of the AYES.

Barnard, E. G.
Brotherton, J.
Duke, Sir J.
Evans, Sir De L.
Fielden, J.
Greg, R. H.
Hall, Sir B.
Handley, H.
Hindley, C.
Hume, J.
Johnson General
Leader, J. T.
Marsland, H.
Muskett, G. A.
Philips, M.
Rice, E. R.
Rundle, J.
Salwey, Colonel
Stewart, J.
Thornely, T.
Turner, E.
Villiers, hon. C. P.
Wakley, T.
Walker, R.
Williams, W.
Wood, B.
Yates, J. A.

TELLERS.

Muntz, G. F.
Scholefield, J.

List of the NOES.

Baring, rt. hon. F. T.
Bentinck, Lord G.
Broadley, H.
Bruges, W. H. L.
Chichester, Sir B.
Douglas, Sir C. E.
Dundas, C. W. D.
East, J. B.
Farnham, E. B.
Fitzpatrick, J. W.
Fremantle, Sir T.
Gladstone, W. E.
Gordon, R.
Goulburn, rt. hon. H.
Grimston, Viscount
Hale, R. B.
Hodgson, R.
Holmes, W.
Hope, G. W.
Howard, P. H.
Inglis, Sir R. H.
Johnston, H.
Jones, Captain
Lowther, J. H.
Marsland, T.
Monypenny, T. G.
Morgan, O.
Morris, D.
Pakington, J. S.
Pigot, rt. hon. D.
Richards, R.
Shaw, rt. hon. F.
Sibthorp, Colonel
Stuart, Lord J.
Trevor, hon. G. R.
Trotter, J.
Villiers, Viscount
Wilshere, W.

	TELLERS.
Worsley, Lord	Smith, V.
Wyse, T.	Seymour, Lord

Charitable Trust Property.] Mr. *James Steuart:* Sir, I rise to ask leave of the House to bring in a bill to facilitate the transfer of real and personal property held in trust for charitable purposes, and I will only beg a few moments of the time of the House while I explain its objects. The nature of charitable trust I have no doubt is familiar to most hon. Members. I find most of them shortly mentioned in the preamble to the statute of 43d Elizabeth on this subject. They are, first, the relief of aged, impotent, and poor people; the maintenance of sick and maimed soldiers and mariners; schools of learning, free schools, and scholars in universities; repair of bridges, ports, havens, causeways, churches, sea-banks, and highways; the education and preferment of orphans; the relief, stock or maintenance for houses of correction; the marriages of poor maids, the support, and help of young tradesmen, &c. Now Sir, I am sure there will be a desire on the part of the House to facilitate that object, and I will shortly explain to the House in what manner I purpose to do this by the bill which I am desirous to introduce. I do not purpose to remove any of the guards for securing the due appointment of trustees. I do not wish on the present occasion in any way to touch this part of the subject. I will assume that new trustees are duly appointed. This, Sir, is done in one of two ways. It is done either under an exercise of a power entrusted by the donor or person who established the charity, or it is done by means of a court of equity. But after the appointment is made, there is often very considerable difficulty. The person to whom the trust property is to be conveyed may be well settled, but by the present law, before the charity can be carried on, there must be a valid conveyance of the trust property from the old trustees or the heir at law of the last surviving trustee. Now Sir, here very frequently considerable difficulty and hardship is found to exist. The proper person to execute the conveyance may be abroad, there may be litigation as to who is the heir at law; considerable nicety may exist as to who has the the legal estate, and who is the proper party to execute the conveyance. And the House may see that these questions although often important to other persons or other interests, is of no importance at all so far as the charity is concerned, and the charitable intentions of the donor. But in the mean time, the purposes of the charity may wholly fail; no lease can be granted, the title is in an unsettled state, and all from a circumstance which is of no consequence so far as the charity is concerned. Now, Sir, it appears to me, that there is a remedy which may be applied, which seems to be sufficient for the purpose. I propose, Sir, that this due appointment of the trustees shall vest the property in them by virtue of the appointment. There are several precedents for this course. First, Sir, in the case of a bankrupt's property, the appointment of the assignees vests the property in the assignees without any conveyance whatever. So, Sir, in the case of an insolvent debtor, no conveyance is necessary; the property of the insolvent rests in the provisional assignee without any conveyance from the insolvent. This is a recent improvement in the law, it was introduced by my hon. Friend the Attorney-general as late as the act for abolishing the imprisonment for debt the 1st and 2nd Victoria c. 110. Now, Sir, I do not see why the principle should not be extended to charitable trusts. I propose therefore in this bill to make the due appointment of trustees vest the trust estates in them, and I move therefore for leave to bring in a bill to facilitate the transfer of real and personal property held for charitable purposes.

The *Attorney-general* seconded the motion. He fully approved of the bill proposed by his hon. and learned Friend which he considered was a desirable improvement in the law.

Leave given.

HOUSE OF COMMONS,

Wednesday, March 24, 1841.

Minutes.] Bills. Read a second time:—Houghing of Cattle (Ireland); Putative Fathers; Embezzlement and Frauds.—Read a third time:—County Bridges; Consolidated Fund.

Petitions presented. By Mr. E. Tennent, Mr. G. Wood, Sir R. Peel, Mr. Lockhart, Captain Jones, Mr. Hindley, and others, from Dumbartonshire, Surrey, Glasgow, Antrim, Clitheroe, Donegal, and other places, in favour of the Copyright of Designs Bill.—By Mr. W. Duncombe, Lord Sandon, and Mr. Dowdeswell, from the North Riding of Yorkshire, Gloucestershire, and Wolverhampton, for Church Extension.—By Mr. Grote, from places in Suffolk, against Church Extension, Church Rates, and for the Release of Mr. Baines.—By Mr. E. A. Sanford, from Somerset, against Taxes on Food.—By Sir E. Knatchbull, from the Mayor and Corporation of Faversham, for the admission of Jews to Municipal Offices.—By Mr. Langdale, and Mr. Pease, from Preston, Knaresborough, and Durham, that Roman Catholic Paupers may attend their own places of Worship.—By Viscount Sandon, from Medical Practitioners of Liverpool, and by Mr. Hodges, from Cranbrook, for Improvement in the mode of affording Medical Relief in Union Workhouses.—By Alderman Thomson, and Mr. W. Duncombe, from St. Mary Old Church, Halifax, and other places, against the New Poor-law.

Printing Petitions.] Mr. *T. Duncombe* presented a petition from a Mr. S. Cousins, an elector of Hertford, complaining of his having been refused a copy of the registry of freeholders of the county, though he offered to pay for it. The hon. Member moved, that the petition be printed in the votes; and in the proper time he would give notice of the day when he should move that it be taken into consideration.

The *Speaker* said, that the hon. Member should give notice of the motion for having the petition printed.

Mr. *T. Duncombe* submitted, that he was not bound to take that course. He now held in his hand a copy of one of the orders of the House, made under the sanction of the right hon. Gentleman's (the Speaker's) predecessor, in February, 1839, in which it was stated, that when Members presented petitions, and gave notice of a motion respecting them, they were to be printed with the votes. Now, with every respect for what might have since become the practice of the House, or the understanding as to the notices for the printing of petitions, he would maintain his right to ask that this petition be printed with the votes, and he was ready to name the day for taking it into consideration. He founded this claim on the standing order of the House, which had not been rescinded.

Mr. *Law* thought some definite understanding should be come to on this question.

The *Speaker* observed, that the rule to which the hon. Member for Finsbury referred was intended to apply to a class of petitions which did not relate to any measures pending in the House; but the House had since on several occasions, two of them being since he had had the honour of being in that Chair, exercised its discretion in refusing to have petitions printed under circumstances similar to the present case.

Mr. *T. Duncombe* would not press his motion at that time, if he were allowed to make it on the following day at the time of private business.

Mr. *Fielden* hoped his hon. Friend would persevere and take the sense of the House on the motion. Too little attention was paid to the petitions of the people.

Mr. *Estcourt* hoped, after the statement from the Chair as to the practice of the House, the hon. Member would not persevere with his motion.

Mr. *T. Duncombe* would rather adhere to the standing order, in preference to the practice of the House.

Mr. *Hume* hoped his hon. Friend would persevere in his motion.

Sir *G. Grey* said, the question was not as to the printing of the petition, but as to what was the understanding of the House with respect to notices for printing petitions.

Sir *E. Knatchbull* hoped the hon. Member would adhere to what had been the practice of the House during the present Session.

Sir *R. Peel* would wish that the practice of the House during the Session should be adhered to. No hon. Member ought to be allowed to act on his own views of what the practice was, in opposition to the general understanding of the House as to the general practice.

Mr. *Alston* hoped, that as the rule of the House was laid down in one of its standing orders, the hon. Member for Finsbury would persevere.

Lord *J. Russell* said, that if the motion were allowed to come on early to-morrow it would probably answer his hon. Friend's object.

Mr. *T. Duncombe* would be satisfied with that arrangement.

Sir *R. Peel* hoped that some definite rule would be laid down on the subject; for certainly the general understanding of the House was at present at variance with the printed regulation.

Motion to stand over.

Poor-Law Commission.] Lord *John Russell* said, that before the House proceeded to the consideration of the other Orders of the Day, it might be convenient that he should state the views which he took with regard to the amendments proposed in reference to the Poor-law Amendment Bill. It was to be observed, that notice had been given of a great number of amendments, at various times, but they were not arranged in the votes according to any definite method, and it was not to be expected, that he should go through them all, or state them precisely in the order in which they appeared. He would first state those clauses which he proposed to introduce himself, or to which he intended to give his sanction. The first clause to which he should refer was one which was propsed by the noble Lord, the Member for Monmouthshire (Lord Granville Somerset), limiting the number of assistant commissioners for England and Wales to twelve. To this clause he should give his assent, adding one commissioner, however, whose appointment was rendered necessary to superintend the education of the people. With respect to the question as to the size of the unions, he had consulted the commissioners, and they had enabled him to propose a clause, which would empower the guardians to form local committees in unions of a certain size. He did not wish to reason on this subject now, but it was obvious to the House, that in many cases where unions were formed, the arrangement or purchase of workhouses having been effected, and other matters settled in such a manner as to be likely to be permanent, it would be unwise to break up those arrangements, and so require a new formation of the system; but he thought, that the course proposed would afford fit and proper means to carry out those objects which were desired to be attained. He should propose a clause which would alter the law as it at present stood under the Poor-law Amendment Act, as to the emigration fund, giving that power to the guardians which was now possessed by the rate-payers, With regard to the scale of voting, he proposed to place it upon the same footing as that which was established under the Irish Poor-law Act, providing for the continuance of this enactment during two years. In the 38th clause it was said, that unions should be divided into wards, containing a population of 8,000 persons. He proposed to increase this number to 12,000, and to introduce a proviso, that the number of houses should regulate the extent, and not the number of the population, so that each ward should contain at least a certain extent. As to those amendments to which it seemed to him, that he could at once give his support, there was one proposed by the hon. Member for Dover, with respect to the definition of the term general rule. The definition proposed by the hon. Member was much better than that which was now contained in the bill; it was more simple in its terms, and it would shorten the number of rules which were considered as general rules; and if the definition proposed were adopted by the House, he should have no objection to the amendment of the noble Lord opposite (Lord G. Somerset) as to the signature of two commissioners, and the counter-signature of the Secretary of State, being sufficient. Some clauses had been proposed by the hon. Member for Knaresborough (Mr. Langdale) as to the religious instruction of pauper children, and the attendance of the inmates of a workhouse at churches or chapels, in accordance with their own particular tenets. He was not prepared to say, that he should adopt the words of these clauses, but he would endeavour to alter them in such a manner as fairly to carry them into effect. The hon. Member for West Somersetshire (Mr. A. Sandford) had proposed clauses for abolishing settlements under apprenticeships, and suspended orders of removal. These he should be prepared to support. The hon. Member for East Somersetshire (Mr. Miles) had proposed an amendment, appointing an assistant commissioner as a district auditor. That was a proposition the adoption of which was likely to be attended by the most useful results, but he thought it advisable, that they should be paid by salaries which should receive the sanction of that House by a yearly vote, in the same manner as those of the assistant commissioners, rather than they should be paid by the guardians. The same hon. Member had proposed another clause for legalising relief to persons living in a parish in a union, but having their assessment in another parish within the same union. This was a measure which seemed to him to be necessary and useful, and he should accede to its adoption. The noble Lord, the Member for Monmouthshire had proposed a clause as to sending orphans and deserted children to the district schools; requiring the consent of the parents and guardians of the children, when there were such persons, to this course being first obtained. He should adopt this clause, but with the addition of some words, to which he thought the noble Lord would not disagree. The hon. Member for East Somersetshire had proposed, that where paupers were brought by constables or police to the workhouse, they should be entitled to immediate relief; and without committing himself to the precise words proposed, he thought, that a clause of this kind should be adopted.

The hon. Member for Bristol (Mr. Henry Berkeley) had proposed a clause enabling the commissioners to continue any officers already holding situations in their offices, and to this there was no objection. The hon. Member for Preston (Sir H. Fleetwood) had proposed a clause with respect to the appointment of guardians to offices, which he thought might with safety be adopted. Some very important clauses had been proposed by the hon. Members for East Somersetshire and for Leicester (Mr. Easthope), giving the power to justices to order out-door relief to aged and infirm paupers unable to work; and giving also the same power to guardians, as well as the power to give out-door relief to widows with families. These clauses, he thought, must undergo a good deal of discussion, and, as at present worded, they were open to some objections; but he was ready to concur in the general objects which were desired to be attained. There were some clauses proposed by the noble Lord, the Member for Cornwall, with respect to rating. Those clauses, if those provisions were retained in the bill which it now contained with respect to rating, and which he thought it extremely advisable, should be retained, would, he thought, be found extremely useful; and he should be quite ready to give them his support. The right hon. Baronet, the Member for East Kent, (Sir Edward Knatchbull) had proposed some clauses relating to the payment of liabilities incurred out of the Poor-rates; as far as that object was concerned, he thought the clauses a very good addition to the bill; but as to the payment of such claims, he thought that it would require more consideration before they were adopted. The right hon. Baronet, the Member for Tamworth, had proposed an amendment in the clause with respect to persons asking for alms, suggesting that the words of the Vagrant Act should be adopted. There might be some doubt whether the bill, as it now stood, gave that full power which it was intended to confer; and to avoid all difficulty, he thought it advisable to adopt the amendment of the right hon. Gentleman. There were several other amendments, some of them of considerable importance, on which he was not ready to declare his opinion, but he had thought that it would be useful to the House to state his views so far as he had gone; and he could only say, that he trusted that the House would pay the greatest attention to the discussion of every clause in the bill, because the subject must be admitted by all to be one of the greatest importance.

Mr. *Grimsditch* wished to know whether, in the provisions which were proposed to be made with regard to the size of unions, the noble Lord had contemplated the distinction between densely-populated districts and those agricultural neighbourhoods where the inhabitants were not so numerous?

Lord *J. Russell* said, that he did not propose to alter the size of unions, but he proposed that there should be power given to the guardians to appoint committees, who might attend to any immediate and pressing claims, and might recommend other cases to the attention of the board.

Mr. *Halford* asked whether the arrangements proposed with regard to the formation of wards, had any reference to the amount of rating of the inhabitants?

Lord *John Russell* said, that his object was to prevent wards being formed of too small a size. That size might be determined either by the number of houses or the amount of rating. Below a certain size it would be extremely inconvenient that wards should be formed.

Sir *Robert Peel* begged to ask what was proposed to be done with regard to those large metropolitan parishes at present governed by local acts? He understood that the existing Act provided that the commissioners should not interfere with them. As the bill at present stood, it provided that the law already in existence should not be altered. He believed that the law was doubtful, and that some litigation had taken place, the commissioners having attempted to place the parishes of St. Andrew and St. George the Martyr under the provisions of the bill.

Lord *John Russell* said, that the bill was intended not to affect the existing law; and although it had been decided that parishes governed by local acts might form part of a union, he understood that it was not competent for the Poor-law Commissioners to place parishes in such a situation under the government of boards of guardians under the Act.

Sir *R. Peel* thought that it was better to clear up the point at once. As the bill stood, it took away from the commissioners all power of dissolving unions without the consent of the board of guardians, but it did not deprive them of the power of adding to unions without the consent of the guardians. Now, as one of the great causes of complaint against the law was the size of the unions, he thought it would be very satisfactory to have a provision introduced into the bill, preventing the commissioners from adding to unions without the consent of a majority of the guardians.

Lord *John Russell* was afraid it would be hardly practicable to introduce such a provision, inasmuch as some of the unions at present were so excessively small that it would be absolutely necessary they should be enlarged.

Copyright of Designs Bill.] On the Order of the Day for the further consideration of the Report on the Copyright of Designs Bill,

Mr. *Labouchere* wished to throw out a suggestion to the hon. Gentleman who had introduced this bill. From communications which the hon. Gentleman had had with the Board of Trade, he perceived that it was the intention of the hon. Gentleman to propose a number of alterations in the bill as it stood, in its printed form before the committee. He would suggest to him whether it would not be better, and save even his own time, that the bill should be considered in committee in the form in which it was intended to stand. He could assure him that he did not offer this suggestion from any desire to prevent the bill from being fairly discussed—he had no such intention. But, from all the experience which he had in the conduct of bills in that House, he was satisfied that much time would be saved by the House having the bill before them in the state as nearly as possible in which the hon. Member desired it to pass. At the same time, if the hon. Gentleman believed that by not adopting this suggestion he would best promote the object which he had in view, he would offer no opposition. The hon. Member would act upon his own discretion.

Mr. *E. Tennent* said, that as far as he was concerned he should be very glad to accede to the suggestion, but there was a number of individuals in town watching the progress of the bill, to whom it would be highly inconvenient that the points on which he and the right hon. Gentleman differed, should not be settled that evening. In fact, the greater part of the amendments he had to propose were mere verbal amendments. He thought that there were but three points on which it was likely that any difference would arise between the right hon. Gentleman and himself, and he must, therefore, decline agreeing to the proposition of the right hon. Gentleman.

Mr. *Hume* said, the hon. Member was scarcely in a condition to proceed with the bill. The bill which the hon. Member obtained leave to bring in was, to regulate the law as to copyright of designs on woven fabrics of cottons, &c.; but the bill now before the House extended its provisions to designs of metals, mixed metals, glass, shawls, and every other description of our manufactures, and must take all manufacturers in those branches by surprise; they had got no notice whatever of the intentions of the hon. Member. Even now the preamble of the bill was incomplete. If the hon. Member had intended to include every sort of manufacture whereof designs formed a part, he ought to have said so in his preamble in order that all who were to be affected by it might have had notice. He was aware that the bill had brought many gentlemen from distant parts of the country to London, but the question was not one of convenience to them, but whether the House of Commons ought to discuss a bill so different from that which the hon. Member obtained leave to bring in. In his opinion each of the articles enumerated in the bill ought to have been proposed in a committee of the whole House and there discussed. That not having been done, he would ask the Chair whether they were in a condition to proceed with the bill. He submitted to the hon. Member that the best thing he could do would be to adopt the suggestion of the right hon. Gentleman, the President of the Board of Trade, amend his bill, and give notice to all whose interests were to be affected, and bring it on on a future day.

Mr. *E. Tennent* said, the hon. Member had stated this measure ought to have originated in a resolution of the House. Now, if he would turn to the votes of the 8th of March, he would find a resolution had been actually passed. [Mr. *Hume*—Read it; there is nothing about glass or metal in it.] The bill was drawn in perfect accordance with that resolution. As the preamble of the bill was now universally conceded, and the necessity for extending the present term for calico-printing admitted upon all hands, it would be imprudent for him to support his present motion, which he believed would be unopposed, by anticipating the arguments upon particular provisions of the bill, all of which would be naturally raised and discussed in the committee itself. On one point alone he was anxious to inform the House, inasmuch as he was now enabled to do so upon sound and unimpeachable authority. Much importance had been attached by the right hon. Gentleman, the President of the Board of Trade, and by the House generally, to the sentiments of the trade itself upon this important point, and very strong representations regarding it were made in former stages of the bill. He was not surprised that the right hon. Gentleman did attach considerable importance to this point, since on a question of minute manufacturing economy, on which the majority of the Members of the House were but imperfectly informed, the wishes of those directly interested should naturally form an important element in the consideration which would lead to a conclusion upon the question. The parties opposed to the measure had not failed to avail themselves of this feeling, and the right hon. Gentleman was induced by representations to believe that, although the majority of individuals embarked in the trade, numerically considered, were in favour of the bill, still they were individually those of the least weight, and that both the majority in amount of production, the majority in amount of labour given, and the majority in point of gross value of goods produced, were adverse to extension of the copyright. Now, since the bill was last before the House, a strict and conscientious scrutiny had been made upon that head, the statistics of the trade had been accurately ascertained, and the result was most decidedly the very reverse. The House was aware that in Scotland, where there was a most extensive trade, every printer without exception, had petitioned in favour of the bill. In Ireland, where the trade was more limited, the case was the same; and in all England, with the single exception of Lancashire, the printers were unanimously favourable to it. In fact, in England, Ireland and Scotland piracy and copying were unknown, except in the single instance of Manchester; and from Manchester alone, the solitary seat of piracy, the opposition to this bill emanated. The results in detail of the inquiries to which he (Mr. Tennent) had alluded were as follows:—

"*Comparative Statement of the Houses in Great Britain and Ireland, for and against Copyright Extension.*

Locality.	Firms.	Printing Tables.	Cylinder Printing Machines.	Flat Presses.	Two to Four Coloured Presses.	Hands employed.	Production. Number of Pieces.
Manchester.							
For	48	5,849	233	—	—	16,082	6,134,000
Against ..	36	2,319	149	—	—	7,450	4,470,000
Neutral...	14	997	64	—	—	3,200	1,920,000
Scotland.							
For	67	5,660	75	206	—	14,230	4,175,600
Ireland.							
For	5	455	21	—	—	1,400	293,000
London.							
For	9	559	11	82	32	1,090	150,000
Total :	179	15,839	553	288	32	43,362	17,142,600

"Out of 179 firms in the three kingdoms thirty-six only against us. Of near 16,000 printing tables, 2,319 are against us. Of 553 cylinder machines, 149 only against, leaving 404 cylinders. Of 43,362 hands, 7,450 alone are employed by the opponents of protection. And of the enormous production of upwards of 17,000,000 of pieces, 4,500,000 only, or thereabouts, are produced by the copyists. All England, with the exception of this fraction of Lancashire and the neighbourhood, all Scotland and all Ireland, have petitioned for protection and extension. The petitioners for extension have more than doubled since last Session. Three houses of great magnitude, and very largely in the export trade, have petitioned for protection, they proving, in the opinion of competent judges deeply interested in the question, the groundlessness of the apprehensions respecting mischief to our foreign trade. The general result of this statement is, that the production of the copyists, as regards the amount of production, is about one-fourth of the whole, instead of being more than double the amount, as stated last Session before the committee; and the value, piece for piece, inclusive of the fine productions of London, the shawls of Scotland, and the highest class prints of Lancashire, is not more than half the value of the production of the extensionists, or about one-eighth of the value of the whole production of the trade."

This result, it would be perceived, was independently of the petitions from other parties interested—namely, the drapers, and, above all, the designers, and pattern-drawers, who were most actively alive to the importance of the bill to their future interests. In fact, without the security of this bill, schools of design would be a mere delusion. What security would a young man have, after having studied at one of these schools, for the exercise of his profession, unless he was so protected by a copyright, to give him some property in the produce of his own labour and ingenuity? In the committee of last Session it was stated by Mr. Henry, an extensive printer in Ireland, that, being most anxious to extend the knowledge of design, he had paid nearly 1,000*l.* a year to artists in his own employment, and had vacancies for numerous pupils whom he invited to become students at his works under their tuition. But when he applied to their parents to permit them to attend they invariably declined; they begged he would teach them any other branch of the manufacture. They understood, they said, that original designers were so little in demand, owing to the prevalence of copying at Manchester, that when their sons were educated as designers they would be unable to find employment. The hon. Member for Kilkenny was anxious to educate the public taste by throwing open public galleries and admitting them to exhibitions of art. All this was most useful, most essential; but he would tell that hon. Member that the public taste was already in advance of the manufacturer. The appreciation of the public already discriminated between the beauty of the productions of France and those at home, and gave double or treble the price for the one that they would for the other. It was now time to educate the designer, and to encourage his employer to give full development to his talents. The one was to be done by schools of design, but the other could only be done by an effectual copyright, such as would protect manufacturers in giving employment to the pupils of those schools when their education was complete. He would not, as he had said, anticipate the arguments upon special clauses of the bill, but would now move the Order of the Day for the House going into committee. He moved that the Speaker do leave the Chair to recommit the bill.

Mr. *Hume* objected to the recommittal of the bill, as it was contrary to the rules of the House. He begged the Clerk would read the motion upon which the bill was first introduced to the House, and they would then learn what were the intentions of the hon. Member.

The Clerk read the Order of the 9th of February, as follows:

"Designs Copyright—acts relating thereto read; considered in committee:—

(In committee.)

Resolved, that the Chairman be directed to move the House, that leave be given to bring in a bill for extending the term of copyright in designs for printing woven fabrics and paper hangings.

Resolution reported; bill ordered to be brought in by Mr. Emerson Tennent and Mr. O'Connell."

Mr. *Hume* wished to know whether the hon. Gentleman meant to introduce glass, metal, carpets, and other articles in that bill, when that resolution was agreed to. He complained that the House and the country were taken by surprise, because the rules of the House carefully guarded against any alteration being made in matters affecting the trade or commerce of the country, and they required that every such alteration should be made in a committee of the whole House. Resolutions ought to have been proposed in committee to include glass, metals, as well as woven fabrics and paper hangings. He submitted, that no such matters being included in the resolution, the hon. Gentleman's bill was irregular, and having stated thus much, he hoped to hear if there was any resolution of the House, or any instruction to the committee to depart from the rule laid down so carefully for so many years.

Mr. *Labouchere* said, he did not rise to express any opinion on the technical point that had been raised. The rule was, that all bills relating to matters of trade should be introduced in committee, but on questions like the present, the House only required a resolution of a general nature. The hon. Member said the hon. Gentleman opposite had attempted to take the House by surprise, but if the hon. Member recollected the discussion that took place on the second reading, the hon. Member would allow that this was not the case. It was then, he believed, unanimously agreed, that whatever might be the opinions respecting particular points of the bill, that the law on this subject, instead of being scattered in four or five acts of Parliament should be collected into a single bill; and, therefore, to go into committee on the present occasion, could not be a surprise on the House. He should regret, that any technical point should prevent their proceeding to the discussion of the bill in Committee. The hon. Member had objected to glass, metals, &c., being included in the bill, and said that the question had not been raised before; but it should be remembered, that they were about to consolidate the laws on copyright of designs. It was therefore, not right to object to the course adopted as unfair, because the bill which had been drawn up for particular cases, had now become a general bill.

Mr. *Warburton* said, that if a bill were introduced into the House, affecting trade and manufactures, and during the progress of the bill, it was desired to introduce a clause affecting any particular trade or manufacture not before mentioned in the bill, that clause must be introduced in a committee of the whole House. It was like a money clause in a bill. The House at present did not know what part of the bill was original, and what was not; and he would suggest to the hon. Gentleman, that he should follow the recommendation of the right hon. Gentleman, the President of the Board of Trade, to reprint the bill, with indications in the margin as to what was the old law, and what was new.

Mr. *Williams* said, that on the second reading of the bill, the hon. Member had been requested to consolidate all the acts relating to copyright of design. But the bill now under discussion contained many important provisions, which were not to be found in the bill as it stood when it was read a second time, nor in any of the acts which it purported to consolidate. He wished to draw the attention of the House to three most important articles of manufacture, in which it was proposed to make great alterations. It was proposed to extend the copyright of designs on carpets, on glass, and on shawls, from twelve months to three years. There were also other most important provisions which were not to be found in the bill as it stood when it was originally introduced, nor in any of the laws at present in existence on the subject which it was proposed to consolidate. There was one provision of this nature of great importance, which had been introduced into this bill, and of which all those interested in the trade ought certainly to have had due notice. By the 6th clause it was provided that no person should apply such design to any manufacture, or any part or portion of such design, either by adding to such design, or subtracting or taking any parts or portions from such design. Now, what would be the effect of that clause? Why, if any calico printer ordered his designer to furnish ten or fifteen patterns, containing the common objects which usually entered into the composition of patterns, it would be perfectly impossible for any patterns to be drawn by any other person during the continuance of the copyright. He entirely acquitted the hon. Member of any intention of producing such an extraordinary effect, but the fact was, the hon. Member for Belfast had undertaken to legislate on a subject with which he had no practical acquaintance, and that such, therefore, should be the effects of his legislation could not be a matter of surprise. A measure of such importance to manufacturers generally ought not to be left to the care of an individual Member. The Government ought to have taken up the subject, and no one was so fitted to introduce such a measure as the President of the Board of Trade. It was too much that a question of this great importance should be left to be brought forward by Gentlemen who were totally unacquainted with those manufactures which were to be so much affected by this bill. The object should be deeply and seriously considered by the Government before they undertook to support a bill which would effect so great a change in many important branches of our manufactures. The hon. Gentleman who introduced the bill had stated to the House that he intended to make many important alterations in the bill. He understood that it was also the intention of Gentlemen who were opposed to this bill to propose extensive alterations. Now he thought that the alterations to be proposed by the promoters as well as the opponents of the bill ought to be submitted to the House before it was proceeded with in committee. The bill as it then stood was encumbered with many unwise provisions. It was very necessary that they should see what alterations were intended to be made. He therefore, hoped that the hon. Gentleman who had introduced the bill would give the House a fair opportunity of going into the question. This was the more desirable, because the subject was only understood by very few Members of that House. He would undertake to say that there were not twenty Members of that House who could judge of the practical effect of this legislation upon the trade of the country. He hoped the hon. Gentleman, in justice both to the House and to himself, would consent to have the bill reprinted with the alterations which he himself intended to propose, as well as the amendments which were intended to be proposed by the opponents of the bill.

Mr. *Mark Philips* thought it only due to the hon. Member for Belfast, to declare his belief, that he had not taken any steps in reference to this measure, which could justly draw upon him the animadversion of the House. He was quite certain that the hon. Member had not introduced the additional subjects into the bill, without the knowledge and concurrence of the House. But the question for consideration was, whether in the steps which had been taken with reference to this bill, they had adhered to the strict rule applicable in such cases. They ought to have gone into a Committee of the whole House, upon the proposal to consolidate the former acts in reference to this subject, and he trusted that the House would adhere to the regular course. In making this remark he had no intention to delay the measure any more than was absolutely necessary. He was quite prepared to go on with it, if such were the decision of the House, but he must say, that some of the clauses of the bill were not so generally known as they should be, and as the hon. Gentleman had intimated his intention of making some further alterations, he would suggest to him, whether it would not be better to have the bill reprinted before it was considered by the Committee. Perhaps the Speaker would have the kindness to state what was his opinion upon the point of form. He apprehended that they ought first to have gone into Committee on all the subjects mentioned in the bill, but that, if they had omitted what was regular with reference to some of those subjects, they were still in a position to go into Committee on the clauses of the bill which did not refer to them. It was a question of convenience to the parties out of doors whether it would be better to go partially into Committee, or wait until the bill had been printed, with the amendments.

Sir *Robert Peel* said, the standing order of the House was, that no bill relating to trade, or the alteration of laws concerning trade, should be brought into the House, until its provisions had been first considered by a Committee of the whole House, and agreed to by the House. He thought it would be too much to contend, when the bill had been brought in, in pursuance of a resolution of the House, and at a subsequent stage, it was proposed to append to it an article not originally included, that it was absolutely necessary to have a distinct committee in reference to that particular article. If for instance, in the case of a bill relating to linen, cotton, and muslins, it was proposed to add calico, it would, in his opinion, be perfectly open in committee upon the bill, to add calico, without going through the form of a resolution. In the present instance, glass undoubtedly was not an object similar to those originally included in the bill. They ought not to legislate in reference to glass, without giving the glass manufacturers the advantage of the decision of a Committee of the House upon that subject. It appeared to him, that the main point of difference was, the extent of the measure. The question with which the House would have to deal was, the extent of the protection; and it appeared to him that it would be desirable to adopt the course pursued by the noble Lord in reference to the Poor-law, namely, to take the sense of the House upon one or two main points. It would be very satisfactory to those who were waiting in London to know what was the sense of the House, in reference to the articles to be included.

Mr. *Hume* appealed to the Speaker, whether, in point of form, they could proceed with the bill. It proposed to alter the laws relating to trade in a variety of articles, and with respect to them, the bill was not founded upon a resolution of the whole House in Committee. If the rule was a good one, as he believed it was, it ought to be adhered to strictly, as it had been on former occasions.

Mr. *Goulburn* wished to state how the case stood. On the 9th of February, his hon. Friend, the Member for Belfast obtained leave to bring in a bill, founded upon a resolution of a Committee of the whole House, for altering the law of copyright, with respect to woven fabrics of cotton, &c., and the bill, in strict conformity, be brought in. In the discussion on the second reading of the bill, it was suggested that the principles of the bill might be extended, with great advantage, to other manufactures, and the committee was instructed accordingly. Under such circumstances, he apprehended that the rule was this—the committee might proceed with the bill, for it was clear that if the House gave an instruction to a committee, which they had not power to do, on the third reading, those clauses which violated the forms of the House would be struck out. The bill had been brought in strictly in conformity with the terms of the resolution. On the second reading, it had been suggested by a right hon. Gentleman connected with the Government, that it would be desirable to extend the bill, and that it should refer to and consolidate the laws relating to the copyright in other articles than those mentioned in the original resolution, and an instruction had been given to the committee on the bill to that effect. Now the question was, whether it was competent to give such an instruction, no resolution having been previously taken relative to those other articles which it was proposed to affect. He believed the usual course, when an instruction to the committee on a bill was improperly given, was to proceed with those clauses which were not affected by such instruction, omitting those clauses in respect to which the rules of the House had been violated, to be introduced at the third reading, the authority of a Committee of the whole House being in the mean time obtained, or rejected as contrary to the rules of the House.

The *Speaker* apprehended, that nothing could be more regular than the manner in which the bill had been originally introduced; but at a subsequent period an instruction was given to the committee on the bill to insert clauses relating to certain other articles of trade, not stated in the original resolution of the committee on which the bill was founded. Now, there could be no doubt that, if any change of the law as to any one of those articles of trade were proposed, such alteration should be founded on a resolution passed in a committee of the whole House to consider the act relating to those particular articles. He apprehended, however, that there could be no objection to going into committee for the purpose of considering the other clauses of the bill. If the instruction only contemplated a consolidation of the existing laws, no previous resolution, he apprehended, would be necessary; but if it were intended to alter those laws, there could be no doubt that such a resolution must be taken.

Mr. *Warburton*, with great deference to the opinion expressed by the Chair, imagined that if they were to go into Committee with the view of proceeding only with those clauses which were in accordance with the existing law, and excluding from their consideration all that related to any alteration of the law, they would find great difficulty in proceeding at all with the bill as it now stood.

Mr. *E. Tennent* found the objections so numerous, and the difficulties so increasing, that he must consent to the suggestion of the right hon. the President of the Board of Trade. He would go into committee, *pro formâ*; but, considering the great importance of the bill, and the interest taken in it by both sides of the House, he trusted the noble Lord would consent to give him an early day for its consideration.

Lord *J. Russell*, being most anxious to proceed with the Poor-law Amendment Bill, could not give the hon. Member any other day, before Easter, than Wednesday next.

Sir *R. Peel* said, as his hon. Friend, from the course which the discussion had taken, would, of necessity, have to make many alterations, he could not be expected to go into committee, *pro formâ*, immediately; he could not be prepared to strike out the clauses respecting glass, &c., on the moment. It should then be postponed till to-morrow, that the bill could be reprinted in the state in which it would be submitted to a committee of the whole House.

Mr. *Hume* suggested, that the bill should be withdrawn altogether, and a new bill introduced, which, he was satisfied, would meet with no opposition till it arrived at its present stage.

Sir *R. Peel* thought the most judicious course would be to bring in a new bill. From the disposition the hon. Member had shown to meet the views of the House, he was satisfied, that no obstacles would be thrown in the way of advancing it to its present stage.

Mr. *Sheil* said, there appeared to be a general feeling, that the bill should be withdrawn. He must say, however, that he was partly to blame, because he had suggested to the hon. Member to consolidate all the acts referring to Copyright of Designs. The suggestion of the right hon. Baronet, the Member for Tamworth, to let the bill drop, and bring in a new one, appeared to be a wise one. He could then take a resolution which would form a basis sufficiently extensive to embrace all the points included in his bill.

Sir *George Clerk* thought leave might be given to bring in a bill to-morrow, and the discussion in committee might take place next week.

Motion withdrawn.

Copyright of Designs Acts read, and a committee thereupon ordered on the following day.

COUNTY CORONERS.] On the Order of the Day for going into Committee on the County Coroners Bill being read,

Colonel *Wood* thought the bill went to establish altogether a new principle of election, and he should, therefore, oppose the bill, and take the sense of the House upon it, when it was to be discussed in committee, unless it was previously altered. He understood, that the present motion was merely to commit the bill, *pro formâ*, and, therefore, he should not offer any opposition.

House in Committee, *pro formâ*.

Report to be taken into consideration, on Wednesday, the 5th May.

DRAINAGE OF LANDS.] On the motion, that the House resolve itself into Committee on the Drainage of Lands Bill,

Mr. *Craven Berkeley* said, that unless he saw some alteration made in the bill, he would move the amendment of which he had given notice, on the first opportunity.

Mr. *Hume* wished to know whether there was any clause in the bill, providing that regular accounts be furnished of the income and expenditure under the bill. He thought, that a clause ought to be introduced into the bill similar to the one in the Public Roads Bill, for the purpose of letting it be known what amount of money was received, and how that money was expended.

Mr. *Handley* only wished to have the bill committed *pro formâ*, to introduce some alterations, in order to make them known.

Bill then passed through Committee, *pro formâ*.

Adjourned.

HOUSE OF LORDS,

Thursday, March 25, 1841.

MINUTES.] Bills. Read a first time:—Consolidated Fund; Turnpike Acts Continuance (Ireland).

Petitions presented. By Lord Redesdale, from places in Gloucestershire, in favour of Church Extension.—By Viscount Duncannon, from Tiverton, for Facilities for the Recovery of Small Debts.—By the Marquess of Bute, and the Earl of Rosebery, from Ayr, Fife, Caithness, and Lochiel, against Church Patronage (Scotland).

HOUSE OF COMMONS,

Thursday, March 25, 1841.

MINUTES.] Bill. Read a first time:—Maynooth College.

Petitions presented. By Mr. James, from the Board of Guardians of the Penrith Union, by Sir B. Hall, from the Vestry of St. Pancras, and by Sir W. Molesworth, from Guardians of the Launceston Union, against parts of the New Poor-law Amendment Bill.—By Mr. G. Knight, from St. George's, Middlesex, Edgeware, and other places, against the Middlesex Sessions Bill.—By Lord F. Egerton, from parishes in Lancashire, for Church Extension.—By Lord Claude Hamilton, Mr. Colquhoun, and Lord James Stuart, from Ayr, Glasgow, and other places, against Church Patronage.—By Mr. Colquhoun, from Bolton, from Wesleyans of Islington, and from Aberdeen, and by Mr. Plumptre, from places in Kent, against any further Grant to Maynooth.—By Lord F. Egerton, from Liverpool, for an Alteration in the Duties of Coffee and Sugar.—By Mr. Thornely, from Operatives in a Mill near Tamworth, for a Repeal of the Bread Tax.—By Mr. Plumptre, from places in the counties of Durham, and Berkshire, against the Toleration of Idolatrous Practices in India.—By Mr. Goulburn, from Clergy of Taunton, against the Act exempting Stock-in-Trade from Rating.—By Sir W. Somerville, from Medical Practitioners of Drogheda, for Medical Reform.—By Sir Edward Lytton Bulwer, and Mr. M. Phillips, from Lincoln, and Manchester, in favour of the Jews Declaration Bill.

PRINTING PETITIONS.] Mr. *T. Duncombe* moved that the petition of Samuel Cousins, of Old Cross, in the parish of St. Andrew, in the county of Hertford, complaining of not being able to obtain a copy of the register of electors of the county of Hertford, presented yesterday, be printed with the votes for the use of Members.

Viscount *Howick* hoped that the House would not agree to the present motion, because it would be establishing an important principle, which would be attended with great inconvenience. A few years ago petitions presented to that House were printed, as a matter of course. A great majority of the petitions that were presented were moved to be printed, as a matter of course, with the votes. In order to check that practice a different system was adopted; a select committee was appointed to consider what petitions should be printed, and by these means the mass of printing was greatly reduced, and an important security was obtained against printing what was improper. After a time, a practice began to prevail, whenever it was intended to bring the subject on which a petition treated before the House, to move that the petition should be printed with the votes. At first, few of these motions were made, but, by degrees, hon. Gentlemen became dissatisfied at having their petitions printed with the mass, wished to have an exception made in their cases, and the number of petitions that were printed with the votes began gradually to increase. During the last Session, the committee on printed papers having adverted to this increase, drew the attention of the House to the practice that was growing up, and stated, in the report, their opinion, that before a petition was printed, it should be ascertained not only that the subject was to be brought before the House, but that it was of such an urgent nature that it would not admit of the delay of being referred to the committee. This report was agreed to unanimously at a meeting at which Dr. Lushington, Mr. Goulburn, Sir Robert Peel, Mr. Warburton, Sir George Clerk, the Solicitor-General, Lord Mahon, and Sir Edward Sugden were present. It must be recollected, too, that the most flagrant case of a libel printed by that House was a calumny against the Chief Justice of the Common Pleas, contained in a petition presented to the House and ordered to be printed on the motion of an individual Member. The hon. Member for Finsbury in the last discussion had referred to the rule laid down by the late Speaker, Lord Dumfermline, by whom it was undoubtedly said that, when a motion founded on the petition was to be brought forward by an hon. Member, it was printed for the use of the House. But the late Speaker must have meant only that it would be printed if the House should think fit. It was, however, subsequent to the date of this rule, that the committee on printed papers had come to the resolution to which he had referred. With regard to cases which it was not material should be brought forward on any given day, and within any definite period, he could not see that any inconvenience could result from persevering in the practice which prevailed, of referring the petitions to a select committee; but there were instances of grievance which required the application of immediate redress, and in these cases the House should reserve to itself the right of printing petitions. He had done his duty in presenting these objections to the House; if they should be overruled, he would not further oppose the printing of the petition. In deciding upon the question, the House would virtually decide whether they would return to the old practice, a principle which he should most strenuously oppose.

Mr. *Goulburn* took a different view of the subject. The only point the House were called upon to decide was whether they would print this particular petition, and he thought they ought to do so if it could be shown that the petition was of such a character as to call for the immediate interposition of the House to obtain an earlier investigation than could be obtained by waiting for a reference to the committee. What was the nature of this petition? An individual complained to the House that by the supposed mistake or misconduct of a public officer he had been debarred from procuring a register of county voters. There was no subject which the House was more bound to entertain than one which concerned the exercise of the elective franchise, and the statement, whether true or false, having been made to the House upon the authority of an hon. Member, who had given notice that he meant to make it the subject of discussion, he thought the House should consent to the printing of this petition for the use of Members only. He thought that there was a special ground for the printing of this petition which did not apply to petitions of less urgency.

Mr. *Greene* differed very much from the opinion expressed by the right hon. Gentleman (Mr. Goulburn). The question merely was, whether this petition should be brought under the consideration of the House at an earlier period than it would have been had it been referred to the committee. To make this petition an exception to the rule would be casting a stigma upon those petitions which were referred to the committee, and would be declaring that those alone were worthy of the attention of the House which were printed with the votes. If it could be shown that this petition was of so much importance as to require that it should be brought forward on an early day, he would then concur in the necessity of printing it; but unless that were shown he thought the House should adhere to the rule laid down.

Sir *E. Knatchbull* thought, that, as the hon. Member had given notice of his intention to bring the petition under the attention of the House, it was of the highest consequence that it should be placed in the hands of hon. Members before the discussion came on.

Mr. *G. W. Wood* said, that the question was in truth whether the House had confidence in the judgment of the committee appointed to consider the subject of printing petitions. The course which the committee took was to print all petitions of this character, and he was of opinion, that if the petition had last night been referred to them, the hon. Member for Finsbury would have attained his object quite as early as he would now secure it.

Mr. *T. B. Estcourt* could assure the hon. Member, that the House in nowise found fault with the manner in which the committee discharged their important duties. He took a different view of the case from that of the hon. Member, and he agreed with the right hon. Gentleman the Member for the University of Cambridge, that a petition which contained allegations such as those which were here made, relating to the exercise of the elective franchise by the constituency of that House, was one of such primary importance, that it demanded to be at once printed, for the purpose of being taken into consideration.

Lord *J. Russell* would not say whether a better rule than the present might not be established, or whether they should not place some further restrictions on the printing of petitions; but the question then was, the application of the existing rule. He found that the law of the case had been laid down by Lord Dumfermline as follows .—

> "That all petitions which are presented relative to subjects which Members wished to bring under the consideration of the House are printed with the votes, the Member giving notice when he presented the petition of the day on which he will make his motion."

When, therefore, they refused to print a petition, it should be on some ground of exception why the rule laid down should not be adhered to in a particular instance. There might be various grounds for such an exception. It might be said, for instance, that the matter was one so well known that it did not require any particular notice; or it might be found that the petition was libellous, or such as ought not to be printed unless for the use of Members only. The petition before the House did not, however, seem to him to offer any just ground why the House should refuse its being printed. It did not relate to a grievance which the petitioner alone had felt, but the subject was one of great importance, relating as it did to a refusal to present a copy of a registry, for which the party offered 15*s.*, while the officer stated, that a far larger sum would be required. The case was one to which the House should look with great delicacy. The petition contained nothing affecting the character of the individual against whom the complaint was made. He might have acted with perfect propriety, and it might have been impossible for him to have presented a copy at a lower price than he named. Laying aside, therefore, every consideration as to the fitness of establishing a new rule with regard to petitions, he should certainly vote for the printing of the petition in question.

Motion agreed to.

Sir *E. Knatchbull* moved, that the petition of Mr. Henslow, presented by him on Wednesday, should be printed and circulated with the votes. The petition was that of a solicitor, who complained on behalf of his clients, of certain proceedings in the Legacy Duty Office in reference to the property of certain individuals deceased, for returns respecting which he meant according to his notice to submit a motion to the House.

The *Chancellor of the Exchequer* objected to the printing of the petition, which was that of an indifferent party complaining of no personal grievance, but of some acts alleged to be done towards his clients. He very much doubted whether it would be expedient to grant those returns which were to be moved for, but he should have no objection to them, if the right hon. Baronet could procure the consent of the parties who were concerned.

Sir *Robert Peel* thought, that it was of very great importance that the rules of the House relating to the printing of petitions should be determined, and should be strictly attended to, as well as that every hon. Member should, in this respect, stand upon the same footing. The rule at present was, that any Member might move that a petition which he presented should be printed, upon his giving notice of his intention to found a motion upon it; and conceiving this to be the existing rule, he should have voted for the hon. Member for Finsbury if the House had divided. He apprehended that the result of the state of things which was contended for, that the propriety of printing petitions should be discussed when the petition was proposed to be printed, would be this—that every hon. Member would think his own the most important petition, that debates would arise, which would extend to the matter contained in the petitions, and all the existing rules upon discussing petitions would be set aside. He hoped, therefore, that the right hon. Baronet would withdraw his motion.

Viscount *Howick* thought that the effect of adopting the course which an assent to this motion would establish, would be to induce many hon. Members to bring forward subjects of small importance. It was to be remembered, that hon. Members had a strong pressure from their constituents and from their private friends, and he contended, that if any impartial man looked back to the number of petitions presented since the late rule had been established, he would find that only one in ten was of such a nature as to be entitled to be printed. He cordially concurred with the right hon. Baronet as to the impropriety of debating petitions upon their being presented, but after the decision which had been arrived at in reference to the petition of the hon. Member for Finsbury, for the future he should always vote in favour of printing petitions, because he thought that greater difficulties would occur by reason of the petitions being discussed upon their being presented than from their being printed.

Sir *R. Peel* saw no reason to alter his opinion upon the existing state of the practice of the House. What he thought was, that the rule should be altered, and that there should be a distinct definition of the circumstances under which a petition might be printed, for that the mere intention of an hon. Member to found a motion upon it was not, in his view, sufficient.

Mr. *Hume* said, that his definition of the rule was entirely different from that which had been sought to be put upon it by the noble Lord, the Member for Northumberland. He contended that the rule had been adopted only with a view to get rid of the custom of discussing petitions when they were presented; but, according to the rule laid down, when any hon. Member expressed his intention to found a motion upon a petition which he had presented, it was his right that it should be printed.

Motion withdrawn.

LORD WALDEGRAVE.] Mr. *Hume* rose to ask a question, to which he hoped the hon. Under-Secretary of State would be able to give a satisfactory answer. On the 13th of February, 1841, the trial of the Queen against Lord Waldegrave and Captain Duff, for an assault upon some police officers, took place in the Court of Queen's Bench. It appeared that the commissioners of police had instituted the prosecution, and that, at the trial, some conversation took place, during which the judge suggested that there should be some private arrangement. Now, he begged to know, whether there was any intention to bring the case to a close, as the public mind was very much dissatisfied on the subject?

Mr. *F. Maule* said, that neither the hon. Gentleman nor the public need be alarmed lest any compromise of money should be allowed in the case alluded to. His noble Friend, the Secretary of State for the Home Department had always set his face against any compromise, and the commissioners of police, from the commencement of the prosecution, had always refused to listen to any offers of the kind. The defendants would be brought up for judgment at the commencement of the next term.

Subject at an end.

EMIGRATION OF FEMALES.] Lord *Fitzalan* begged to call the attention of the noble Lord, the Secretary for the Colonies, to a paragraph which appeared in the *Observer* of Sunday last. The noble Lord read the following paragraph:—

> "On Friday, at the meeting of the board of directors and guardians of the parish of Marylebone, the proposition of sending some of the most vicious female paupers to the colony of South Australia, by the emigration ship Daniel Wheeler, which will sail from the London

Docks in a few days, was taken into consideration. It appeared, that there would be no surgeon on board, and that the only guarantee of non-communication between the girls and the crew would be the vigilance of the captain. The terms were 20*l.* per head, and the requisite outfit would cost for each about 4*l.*; the voyage takes four months, and in the event of their not obtaining places immediately on their arrival, there is no asylum open for their reception. Ten girls of the most infamous and uncontrollable character were selected, and they all consented to go. They are from year to year a burden to the parish, and obstinately refuse to labour for their support. The subject was viewed differently by the various members of the board, who one and all most amiably considered the young women's probable situation as regarded their morals. At length the question was put, when the numbers proved to be equal, and the chairman by his casting vote decided in favour of these irreclaimable and unfit members of any society being sent off without delay."

He begged to ask the noble Lord whethe the attention of the Government had been drawn to this matter, and whether they approved of such an application of the parish money?

Lord *J. Russell* said, that the only knowledge which he had of the subject was from the newspapers, and, in answer to his noble Friend's second question, he could only say, that he considered the proposed application of the parish funds to such a purpose a very improper one.

Colonel *T. Wood*, in reference to the question previously put by the noble Lord (Lord Fitzalan), wished to know whether the parish of Marylebone was under the control of the Poor-law Commissioners so far as that they would have the power of preventing the exportation of the unfortunate females referred to in the report?

Mr. *F. Maule* said, that the parish being regulated under a local act, the Poor-law Commissioners had no power.

Subject at an end.

EAST-INDIA SUGAR.] Mr. *Goulburn* referred to the East-India Acts laid on the Table during the last three days, and called the attention of the right hon. the President of the Board of Trade to the ambiguity of the wording of one of the Acts, by which, according to his (Mr. Goulburn's) interpretation, it would be supposed that sugar could be imported into the presidency of Madras by land, though prohibited by sea.

Mr. *Labouchere* said, he had taken the opinion of those parties connected with the India Board, who were best acquainted with the subject, and he found it was generally understood, that under the Act passed on the 10th of June by the President of the Council of Madras, the importation of foreign sugar into Madras, whether by land or sea, was as completely prohibited as the importation of foreign sugar into Bengal by the Act of the British Parliament. Of course, if there were any ambiguity in the wording of the Act, that ambiguity would be removed.

COPYRIGHT OF DESIGNS.] Mr. *E. Tennent* moved that the House should resolve itself into a Committee of the whole House on the Copyright of Designs Act.

House in Committee.

The hon. Gentleman moved that the Chairman be directed to move for leave to bring in a bill to consolidate and amend the laws relating to Copyright of Designs for articles of manufacture. Resolution reported and Bill ordered to be brought in.

The House resumed.

NEW SOUTH WALES.] Mr. *Grote* then rose for the purpose of moving the following resolutions on the subject of the land fund and finances of New South Wales:

1st. That it appears that in October, 1840, the following resolutions were passed by the Governor and Legislative Council of New South Wales, viz.

"1. That in the opinion of this council, the parent state, indisputably deriving a direct pecuniary saving (independently of other advantages) from the assignment of convicts to private service in New South Wales, and its interests being at all events in an equal, if not a superior degree involved in the due coercion and discipline of such transported offenders, ought in justice to bear at least one-half of the expenses attendant on the police and gaol establishments, which are raised to their present large amount chiefly through the introduction of a convict population into the colony. 2. That his Excellency the Governor be respectfully solicited to represent, on behalf of this council, to her Majesty's Secretary of State for the Colonies, that this council has most reluctantly consented to so large an expenditure for the support of those establishments since the 1st. of July, 1835, and has voted the full amount of the estimate for the same for the year 1841, solely from a conviction that it would not be justified in declining to make provision for the maintenance of the public tranquillity and security. 3. That by the appropriation, for the period from July 1st, 1835, to 31st December, 1841, of so large an amount (about 597,000*l.*) of the colonial revenue, arising partly from the sale of public lands, partly from ordinary sources, in defraying the whole charge of the police and gaol establishments, including buildings, and the consequent diminution of those funds which would have been available for the introduction of free labour, every branch of the productive industry of this colony is in danger of falling into decay, to the great loss and injury not only of the colony, but of the parent state also, more especially of its manufacturing, commercial, and shipping interests." 2. That the above large expenses of police and gaol establishments have, since July, 1835, been defrayed by the application of a considerable portion of the net proceeds of the sales of Crown lands in the colony to the general purposes of the colonial revenue. 3. That it appears, by papers now before the House (No. 511, 1840, No. 81, 1841), that there has been received from the sales of Crown lands in New South Wales, during the period from 1831 to June, 1840 inclusive, a gross total sum of £958,000

From which deduct—		
1. Charges of various kinds, including expenses of the settlement of Port Philip, and of protection to the Aborigines	£41,300	
2. Actual charge of survey and management (though for eight years paid out of the general revenue of the colony) about	149,700	
Making together about . .		191,000
And leaving net proceeds of sales of Crown lands to June, 1840		£767,000

Whereof the sum of £502,500 only has been applied to the purposes of emigration from the United Kingdom to New South Wales.

"4. That this House, concurring in opinion with the Governor and Legislative Council of New South Wales, that the charge of gaols and police in that colony ought for the present to be apportioned between the colony and the mother country, will, on Wednesday next, resolve itself into a Committee of the whole House, for the purpose of considering what may be the proper amount to be allotted in the way of a fixed annual sum in aid of that charge; and for the purpose of considering what may be the best means of making good to the land and emigration fund of New South Wales the deduction which has been therein occasioned by the entire burden of gaols and police having been unduly thrown upon the colony since 1835."

The hon. Member proceeded to call the attention of the House to the importance of the colony of New South Wales. The shipping freight from London and Liverpool alone, in 1839, was, he said, 49,000 tons, while the exports from the United Kingdom there were 1,700,000. The imports of wool alone, in 1839, were 6,900,000lbs. weight, or nearly one-fourth of our imports from Germany and Russia together. It contained a free population of 110,000, and a convict population of 38,000. He had to complain of a great injury and wrong done to this colony by the abstraction of a large sum from the land and emigration fund of the colony, arising out of an ill-considered measure adopted in 1835 with regard to it—that of transferring to the colony the entire burden of maintaining the gaols and police establishments. Up to that period no such step had been taken. No doubt had existed by whom the gaol and police establishments should be maintained. It was supposed to be a part of the transportation system of this country, and it had never been proposed to apply the resources of a free colony to such an object, either wholly or in part. The measure was adopted by Mr. Secretary Rice, without the colonists having an opportunity of being heard against it, nor was any attempt made to adopt a middle course between making the colony bear the whole of the charges in question, and releasing it altogether. The main reason for the change, as stated in the Treasury minute of November, 1834, was the flattering condition of the colony at the time, the increased value of property, and the apparent surplus in the treasury of the colony; but they lost sight of the fact, that a considerable portion of the surplus was from the land and emigration fund. The estimate of Mr. Rice at the time was, that the annual expense thus thrown on the colony would be 25,000*l.*; but in six years, from 1835 to 1841, no less a sum than 597,000*l.* had been taken from the colonial revenue to defray the charges in question. The reason for this increase was, that at the time the gaols and police of the colony were in the most neglected and desperate condition. The Attorney-general of New South Wales stated, in 1835, that the gaols in that colony were in such a state, that no person could enter them without a feeling of horror. At that period, the Colonial Department either neglected, or did not choose to inform themselves on this subject, and, therefore, threw all the charge of the gaols and police on the colony. This was one of the grounds upon which he called upon the House to reconsider the whole question.

In his mind, this not only constituted a reason for opening the whole question of the state of the finances of this colony, but also justified him in demanding on its behalf, that a portion of the charge for the gaols and police of the colony should be thrown on the treasury of the mother country. He contended, that there was no sufficient reason for taking off the charge from the mother country, in 1835, or throwing it on the colony. To do so, it should be shown, that peculiar circumstances justified the Colonial Minister in saying, that the charge for the future should be borne by the colony, and that for the future, its funds should be made answerable for this branch of expenditure. He thought, that there would be no difficulty in showing, that this was a charge which this colony, in consequence of the peculiar situation in which it had been placed, ought not to have been called upon to bear, and more particularly as long as convicts were sent there by the mother country. He begged the House to recollect, that there were 110,000 free settlers in that colony, and 38,000 convict population; it must, therefore, be obvious, that the expense of gaols and police, for the maintenance of law and order must be very extravagant in comparison with what it was in this country. He did not contend, that if this had been an entirely free colony, that the expense of its gaols and police should be borne by the mother country; but this was a colony which was little more, in the first instance, than a penal settlement, but in which, in the course of time, the free settlers predominated. The experiment in forming that colony was not that of settlers who had gone from this country at their own charge, but of persons who had been sent out not as free settlers, but as convicts to undergo punishment. Looking, then, to this charge, although he admitted, that the colony should bear the expense of its own gaols and police, he thought a certain portion of it, arising, as it evidently did, from the continuance of the transportation system, should be borne by the mother country. He did not intend to contend for the extension of any favour to this colony, but he thought, that it ought not to be called upon to pay the whole of the expense of making this colony a receptacle for the convict population of this country. That colony ought to have nothing to do with our criminal population, but from 1835, up to last August, it was heavily charged for the expense of maintaining English criminals. The influx of convicts into New South Wales was not stopped until that period, and every previous year they had sent out to them a new importation of persons convicted of the most serious crimes. The way in which the argument for the imposition of this charge on the colony was put in the despatches from the Colonial-office, and the reason stated in justification of it was, that the expense of the gaols and police was to be taken as an equivalent for the system of assignment. They were also told, that the settlements were spread through a wide extent of territory, and were often remote from each other, and that, therefore, there was a larger charge for gaols and police than would otherwise be the case. The chief argument, however, was, that as you assigned the convicts to settlers for their private work, that, therefore, the charge for the maintenance of the police should be borne by the whole colony. This was the way, indeed, in which the matter had been put by various Governments, but the argument had been fully met and answered in various speeches which had been made in the Legislative Council of New South Wales, and in documents which had emanated from that body. The Legislative Council and the colonists said to the mother country, "You deal with the system of assignment as if it was all gain to us and all loss to you; whereas, it was as much a matter of gain to the mother country as it was to the colony." In point of fact, it was a mere matter of arrangement between this country and the colony, and that in consequence of the character of the population sent out being such as to require an enormous police, it was a fair ground for saying, that this country should bear a portion of the expense, and that it was only fair, that the charge should be equally divided between the two. Hon. Gentlemen should recollect the great expense that would fall upon this country for the maintenance of her criminal population, if this system of assignment had not existed. He believed, that the lowest estimate would make it from 25*l.* to 30*l.* a head, and that the whole charge for a small number of years would have amounted to from 600,000*l.* to 900,000*l.* He contended then, if the expense of the support and clothing an assigned convict was not a sufficient reward for the assignment of his labour, then the corollary was, that a premium ought to be demanded in each case as an equivalent. If this doctrine were to be maintained, you should make the assignee of the convict pay as much for the labour of the convict, in addition to his maintenance and clothing, as would be sufficient: but nothing could justify the charge of this payment on the aggregate population of the colony. In doing this, they were going back to the principle of the system which had been so strongly reprobated in this country and were making payments of wages as it were, out of the rates. Many high authorities conversant with this colony had admitted, that this charge should not be entirely thrown on the colony. Lord Ripon, last year, in the course of the debate on the Bishop of Exeter's motion respecting this colony, stated distinctly, that he considered, that half the expense of the gaols and police of the colony should be borne by the mother country, until all traces of the criminal character of the colony were lost. Lord Normanby, also, while Colonial Minister, evidently had this feeling strongly impressed on his mind, and he had urged its consideration in the Treasury. The Lords of the Treasury, in their minute in answer to his communication, admitted and lamented the financial difficulties of the colony, but did not agree as to the cause. They talked of the extravagant and lavish expenditure which had taken place there. It was not for him to prove, that this colony had always been most prudent in its local expenditure, but whether any mistake or not existed on this point, he cared not, for it was not less true, that by the charge which had been imposed on the colony, since 1835, it had had burdens placed on it to the amount of not less than 100,000*l.* a-year. This was amply sufficient in his mind to explain all the financial difficulties of the colony. It appeared, that the sum of 265,000*l.* had been expended, in addition to the ordinary revenue of the colony. If this charge had not been thrown on it, the emigration fund would have remained untouched, and the revenue would have been amply sufficient for the ordinary expences and charges of the colony. It was true, that emigration to New South Wales had never entirely stopped; it was going on at the present moment, and it was likely to go on; but what he contended was, that emigration to that place did not go on to that extent which the colony was justified in expecting, or which was at all adequate to its wants. This was the consequence of not less than 260,000*l.* having been abstracted from the emigration fund of New South Wales. When the House saw this, he was sure that it would agree with him in thinking, that the colony did not complain without cause. He need hardly say, that this was a matter of vital and paramount importance to the colony, and that if the House did not at once interfere the tide of emigration to it would be completely stopped, and thus the future prosperity of the colony would be stopped. There was another topic to which he would only allude —namely, the disproportion which existed between the number of the sexes in the colony, which had led to great evils, and which, if allowed to continue, would be productive of even worse results; but this was one of the effects which was likely to ensue from interfering with the means of carrying on an extensive emigration. Again, this colony afforded ample means for the profitable employment of labour, and offered great inducements to emigration. Had not, then, the poorer classes in this country, who could not obtain adequate remuneration for their labour at home, and who had been prevented emigrating to the colony in consequence of the abstraction of this fund, just grounds for complaining? Was it not obvious that the Government had withheld from large bodies of the poor and industrious population of this country the means of permanently bettering their condition by emigration to a place where there was such an urgent demand for labour, by allowing this charge to be made on the colonial funds? In every 1,000*l.* taken from this fund fifty poor persons might be sent to the colony. He hoped, therefore, the House would consider the great number that had been prevented from improving their condition when they were prevented doing so in any other manner. In this case there was not merely a demand for labour, but there was a most pressing exigency for it. The strongest feeling existed in the colony as to the necessity of introducing into it a moral and industrious population by means of emigration. On this point he would refer the House to the report of the committee of the Legislative Council of New South Wales on the subject of emigration.

"The committee, before they close their report, trust it will not be deemed irrelevant to state their opinion of the justice as well as the policy of applying the proceeds of the Crown lands exclusively to the introduction of a moral and industrious class of inhabitants. The first emigrants were induced to embark their fortunes in this distant colony under the promise of receiving free grants of land, and in the confidence that the same policy would be continued, as the best means of settling the country. If it has since been deemed expedient to sell the lands in lieu of granting them as before, it is considered by the inhabitants merely as the conversion of capital into another form, and that the proceeds of the sale of land should still be applied to the same purposes as the land itself. If there be any justice in this argument, it derives force from the circumstance, that this colony is made the receptacle for the outcasts of the United Kingdom, and is consequently loaded with a vast disproportion of immoral people. That the colonists have derived many advantages from the transportation of convicts cannot be denied; but the system has brought with it a long train of moral evils, which can only be counteracted by an extensive introduction of free and virtuous inhabitants; and the only means upon which the colonists can safely rely for accomplishing this vital object, is the revenue arising from the sale of lands. It is for these reasons that your committee are anxious to record their opinion, as well as that of the whole community of the colony, that the funds arising from the sale of lands should be appropriated exclusively to the purpose of introducing a moral and industrious population; that they consider this appropriation alike indispensable to the present interests, and the future prosperity and character of the colony; and that they regard the opinion expressed by the Secretary of State for the Colonies, and approved by the Lords of the Treasury, in the light of a pledge by his Majesty's Government, that the Crown lands of the colony shall be held sacred to the promotion of emigration."

He would here remark, that there seemed to be a disposition in the colony to look at the emigration fund as if it were entirely the property of the colony. He did not regard it in this point of view, for he considered that it was a fund placed under the trust of the Government and the Legislature, to be expended in a manner equally beneficial to the mother country as to the colony. If the colonial authorities attempted to abstract anything from this fund, it was the duty of the colonial department to interfere; for it was equally the property of the poor of this country as of the colony, and the utmost care should be taken that it was expended in a way alike beneficial to each. The interests of the colony and the mother country were identical as to the proper expenditure of this fund. He was sure that many hon. Gentlemen would be surprised at the large sum that had accrued from the sale of lands in this colony. From papers on the Table of the House, it appeared that there had been received from the sales of Crown lands in New South Wales, during the period from 1831 to June 1840 inclusive, a gross amount of 958,000*l.* If the inhabitants of the colony, or of emigrants with capital, had been sure that none, or only a small portion of this money would have been expended in promoting emigration, he felt satisfied that instead of its amounting to 950,000*l.*, it would not have been 9,500*l.* The sales of Crown lands would have been little or nothing, if the opinion had not been generally entertained that this fund would have been applied to emigration purposes; and the inhabitants of the colony had good reason to believe this, after the solemn and repeated declarations of successive colonial ministers. There were a variety of documents, which he could refer to, which would corroborate this statement. He would, however, only refer to two or three. He found in a letter dated 16th July, 1831, from Viscount Howick (then Under-Secretary for the Colonies) to the Secretary of the Treasury, the following passage:—

"Lord Goderich is of opinion, that it would not be wise so to burden the colony as to check the progress of improvement and the development of its resources for the sake of a small immediate saving to this country; and he would more especially call the attention of their Lordships to the impolicy of applying to the ordinary current expences of the colony that portion of the territorial revenue which arises from the sale of land. The funds derived from this source should be looked upon, not as forming a part of the income of the colony and available for the purpose of meeting its annual expenses, but as capital which should not be permanently sunk, but invested so as to produce a profitable return."

Again, in a despatch from Lord Glenelg to Sir Richard Bourke, dated March, 1837, it was stated:—

"I have to request that, in furtherance of the proposal contained in the enclosed letter (from James Stephens, Esq. to the Secretary of the Treasury, 9th of January, 1837), you will, at the commencement of each financial year, transmit to the Secretary of State a state-

> ment of the balance (if any) of the fund applicable to emigration remaining unexpended at the close of the preceding year, together with an estimate of the probable amount of the funds to be derived from the sale of Crown lands within the colony, and applicable to the service during the ensuing year. You will consider yourself at liberty to appropriate one-third of this sum to the payment of bounties on emigrants introduced by private settlers, on the terms of your Government notice of the 28th of October, 1835, and the remaining two-thirds will be expended under the direction of the chief agent for emigration in this country. The extent of the revenue raised from the sales of unsettled Crown lands in New South Wales exceeds the most sanguine anticipations entertained at the time when the existing regulations for the disposal of land were promulgated by Lord Ripon in 1831. * * *
> The arrangements, however, for the employment of these funds have not hitherto kept pace with the rapidity of their growth, and Lord Glenelg considers, that some more efficient agency should, without delay, be provided for securing the full benefit which ought to accrue both to the colony and to this country from the due administration of the means thus rendered available for emigration."

In another despatch, also from the same noble Lord to that officer, then governor of the colony, dated September, 1836, he found this even more specifically stated :—

> " Referring, however, to the concluding paragraph of the report of the committee of the legislative council, in which they strongly urge the application of the whole of the revenues arising from the sale of Crown lands in the colony to the promotion of emigration, I am of opinion, that the funds so derived cannot be more properly or beneficially appropriated than in the advancement of this object; and I am therefore prepared to sanction the appropriation of as large a portion of them as may be required for emigration. With this view, I have to request, that you will, at the end of the year, transmit to me a statement of the revenue derived from the sale of Crown lands, and also of the disbursements made from the same source in furtherance of emigration; and I would recommend, that no portion of such revenue should, on any account, be devoted to other purposes, until this primary object has been sufficiently provided for."

It was hardly necessary for him to multiply quotations on this subject, as the documents which he had just referred to were sufficiently clear and specific, and there could be no doubt as to the Colonial Department being pledged to the proper application of the fund arising from the sale of waste lands.

An *Hon. Member* moved, that the House be counted; and, as there were not forty Members present, it was adjourned.

HOUSE OF LORDS,

Friday, March 26, 1841.

MINUTES.] Bills. Read a first time:—County Bridges.—Read a second time:—Turnpike Act Continuance (Ireland); Consolidated Fund; County Rates.

Petitions presented. By the Bishop of London, from Kirkleavington, against any further Grant to Maynooth; from Staines, Bridgewater, and other places, against Idolatry in India; and from Bethnal-green, Whitechapel, St. Giles's, St. George's-in-the-East, and other Parishes of the Metropolis, for Improvement in the Sewerage, Drainage, and the Construction of the Houses of the Poor.—By the Duke of Argyle, from various places, and by the Marquess of Downshire, from places in the North of Ireland, against Church Patronage (Scotland).—By the Archbishop of Canterbury, from Farringdon-street Ward, and by Viscount Strangford, and Lord Ashburton, from several parts of the Metropolis, for the Abolition of the Metropolitan Bridge Tolls.—By Viscount Duncannon, from Tiverton, for Alterations in the Poor-law.

CHRISTIANS IN SYRIA.] The Bishop of *London* presented a petition to which he wished to call their Lordships' particular attention. It came from a most respectable body of individuals at Sheffield, and they prayed that measures should be adopted by the British Government to give that full and complete protection to the members of the Christian churches in Syria and the Holy Land, which was not at present extended to them. The petitioners were of opinion, that as, under Divine Providence, the British arms had been successful in Syria, the present opportunity was most favourable for making a representation in favour of those Christians. Individuals professing the Roman Catholic faith in the Ottoman dominion were under the protection of France, those who professed the doctrines of the Greek church were protected by Russia, but there was no specific protection for that class of Christians who approached more nearly to the Reformed Church than any other. He hoped, therefore, that at the present moment their interests would not be lost sight of. By interposing to secure for the Christians of Syria protection for the free exercise of their religion, and the full enjoyment of any privileges which they now possessed, their Lordships would be conferring a very great benefit on those people. No intention existed—no wish was entertained—to withdraw their homage from the Porte, under whose government they lived; but it was most desirable that due protection should be guaranteed to them under the auspices of the British Government. From what had occurred in the other House of Parliament, he was happy to find, that Government had not lost sight of the subject, but that a negotiation had been opened with the Ottoman government respecting those Christian churches. He hoped also that the interests of the oppressed Jews of the East would not be forgotten; but that they would be protected in the free exercise of their religion, which they had an undoubted right to claim.

Viscount *Melbourne* could assure the right rev. Prelate that Her Majesty's Government had not been inattentive to this subject. Means had been adopted to carry into effect the wishes expressed by the petitioners, and the result, he had every reason to hope, would be satisfactory. It was very true, that the Roman Catholics in the Turkish dominions were under the protection of France, while the members of the Greek church were under the protection of Russia. It was, therefore, right that the British Government should take proper steps for the protection of the Syrian Christians who were more nearly allied to the Church of England.

Petition laid on the Table.

COMMERCIAL TREATY WITH FRANCE.] Viscount *Strangford* would take that opportunity of asking the noble Viscount a question on a subject of considerable importance to the commercial interests of this country. It was notorious that for some time past negotiations had been going on for a treaty of commerce between this country and France. Under less favourable auspices than the present those negotiations might have been interrupted, but he wished to know whether they had been renewed, and whether they were likely to be brought to a satisfactory termination. He was convinced that nothing could tend more to heal past wounds, and prevent the infliction of them for the future, than the establishment of a wise system of commercial intercourse between the two countries.

Viscount *Melbourne* said, that it was perfectly true that negotiations had taken place in the course of the last year, and been brought to such a state as afforded the prospect of a speedy and satisfactory issue; but they had been interrupted by the events which took place at the close of last year, and had not been since renewed. There was, however, on the part of her Majesty's Government a most anxious desire for their resumption; for he entirely concurred in the belief that nothing could tend more to confirm the good understanding which had, and he trusted did exist, between the two countries, and which was now clearly the desire, not of one party or one set of men, but of every party and all sets of men—than a free system of commercial intercourse.

EAST-INDIA RUM.] On the motion of the Marquess of *Lansdowne*, the House went into Committee on the East-India Rum Bill.

Viscount *St. Vincent* hoped that care would be taken to give effectual protection to those who produced rum within the territories of the East-India Company, for without some system of certificates rum manufactured out of those territories would derive equal benefit from this Act.

Lord *Ellenborough* said, that it was quite inconsistent with the objects of this bill to require certificates to be obtained from a certain few specified persons. In the valley of the Ganges there were 360,000 square miles capable of producing the sugar, to all of which it was the object of this bill to grant permission to export. It was quite idle, therefore, to apprehend that that object could be materially affected by the small quantity grown out of the company's territories which might be exported. Why, there might be rum enough made in those territories to drown the West Indies.

Lord *Monteagle* did not imagine that the West-India interests would be much damaged by this measure. The practical effect of it was to give to East-India rum the same advantages as now belonged to West-India rum, and he rejoiced at the measure, because it admitted a right principle.

Viscount *St. Vincent* said, that in the island of Jamaica a certificate was required of the particular estate upon which the sugar was produced; and in every part of India there were collectors of taxes, under whose hands similar certificates might easily be obtained.

House resumed.

Bill, with amendments, reported.

POOR-LAW (IRELAND) CLONMEL UNION.] Their Lordships again proceeded to examine witnesses in the case of the Clonmel union. Mr. Earle, a late assistant Commissioner of Poor-law (Ireland) was called to the Bar, and when his examination was completed, their Lordships adjourned.

HOUSE OF COMMONS,

Friday, March 26, 1841.

MINUTES.] Bills. Read a first time:—Arrestment of Wages (Scotland); Factories; Population.

Petitions presented. By Sir De Lacy Evans, from St. Martin-in-the-Fields, against the Middlesex Sessions Bill.—By Viscount Mahon, Mr. T. Duncombe, Mr. Grimsditch, Mr. Goring, and others, from St. Luke's, Hertford, Macclesfield, Bucks, and a great many other places, against, and by Mr. Hawes, and Mr. Estcourt, from Richmond, and other places, in favour of, the Poor-law Amendment Bill.—By Mr. Brotherton, Mr. Langdale, and Colonel Gore Langton, from the Society of Friends in England and Wales, from Manchester, Salford, and London, that the Catholic Inmates of Workhouses may be allowed to attend their own place of Worship.

DRAWBACK UPON FRENCH WINES.] Mr. *Mackinnon*, at the request of some wine-merchants, wished to put a question to the right hon. the President of the Board of Trade. He desired to be informed whether, in the event of a commercial treaty being completed between England and France, and any reduction of duties taking place in consequence, those persons who had stock in hand would be entitled to receive the drawback upon it?

Mr. *Labouchere* said that, as the treaty was not yet signed, it was not to be expected that he should state what course the Government would take. He had no objection to add, however, that it was a general rule, in which he concurred, that no drawback was allowed on stock, should any alteration be made in the duties on it, accumulated during a pending treaty.

NEWFOUNDLAND.] Mr. *Pakington* had not exactly understood the effect of what had fallen from the noble Lord the other evening upon the subject of motion which he (Mr. Pakington) proposed to bring forward on Tuesday next, relating to the colony of Newfoundland. He should feel obliged by the noble Lord intimating to him what he had stated.

Lord *John Russell* had said, that he had no objection to the motion of the hon. Gentleman being assented to for a committee to inquire into the state of the colony of Newfoundland, when it should be brought forward. He was not prepared to state the course which he intended to adopt with respect to that colony; but, when he had received despatches from the governor, which he expected in the course of a few weeks, in reference to the proceedings of the House of Assembly, he would state to the House what the measures were which the Government intended to adopt.

POOR-LAW COMMISSION.] Lord J. Russell moved the Order of the Day for the House to go into Committee on the Poor-law Amendment Bill.

Captain *Pechell* said, the right hon. Baronet, the Member for Tamworth, had intimated to the noble Lord, on Wednesday last, that certain amendments would be necessary, in order to guard parishes which were under local acts from the interference of the commissioners. By the present bill, the boards of guardians had the power to dissolve the union by a majority of votes. But the right hon. Baronet also suggested, that there ought to be an equal power vested in the board of guardians to unite with parishes which had been united with others. The town of Brighton was governed by a local act. A neighbouring parish was under the power of the Poor-law Commissioners—it was joined to a union. Now, that parish might be dissolved by a majority of the guardians; and, if the guardians of the parish of Brighton had not the power to refuse to be joined with another parish, the Poor-law Commissioners might, under the terms of the bill, bring the town of Brighton under their government. He hoped that the noble Lord would provide not only that the Gilbert unions, and unions so situated, should not be dissolved without the consent of the majority of the guardians, but also that no parish should be added to another parish for the sake of forming a union under the Poor-law Commissioners.

House in Committee.

Lord *G. Somerset* begged to ask the noble Lord, whether it was his intention to introduce a separate clause with regard to the reduction of the number of assistant Poor-law Commissioners.

Lord *John Russell* replied in the affirmative.

Clause 1 agreed to.

On Clause 2,

Mr. *Fielden* rose, pursuant to notice, to move the insertion of words, the object of which was to repeal the Poor-law Amendment Act, and he should take the sense of the House upon it.

Lord *J. Russell* understood that the hon. Member was going to propose an amendment, the effect of which would be to repeal the Poor-law Amendment Act. He wished to know, if that was the object of his amendment.

Mr. *Fielden* hoped the noble Lord would listen to his statement. He was moving the introduction of words which, he admitted, if adopted by the committee, would go to repeal the Poor-law Act.

The *Chairman* understood the object of the hon. Member's amendment was to repeal the Poor-law Amendment Act; it was to repeal the existing Poor-law, whereas the bill, to a clause of which he moved that amendment, was to continue that law. Such a course of proceeding was quite irregular.

Mr. *Fielden* said, as to the irregularity of the course of proceeding, he had nothing to do with it. He had given notice of the amendment, and he, therefore, considered that he had a right to be heard on it.

Lord *J. Russell* said, that the hon. Member could not, under the title of the bill, move the amendment he proposed. The hon. Member was entitled, on proper notice being given, to ask leave to bring in a bill to repeal the Poor-law, but as the object of the present bill was to continue the Poor-law in existence, and as that bill had been read a second time, and the House was now in committee, considering how that object could be best carried into effect, the hon. Gentleman could not, according to the usages of the House, propose an amendment to the bill purporting to repeal that law. The hon. Gentleman could no more move in Committee the repeal of the Act, than he could move the repeal of the Habeas Corpus Act.

Mr. *Wakley* was as strongly opposed to the Act as his hon. Friend the Member for Oldham. He thought the measure an odious and detestable one. Nevertheless, in the performance of their labours, it was absolutely necessary that they should adhere to certain rules and regulations. He would, therefore, recommend to his hon. Friend to withdraw the motion for the present, if he found it inconsistent with the usual practice. Besides, his hon. Friend should remember that that was not a fitting occasion, as it appeared to him, for bringing the entire subject under consideration, as many Members who were opposed to the Act might not have been prepared for such a discussion.

The *Chairman* repeated, that the motion was contrary to the practice of the House.

Sir *Robert Peel* said, that undoubtedly the question then was, whether or not the motion was in conformity with the rules of the House. It did not appear to him that it was. Leave had been given to bring in a bill for the continuance of the commission which the proposed amendment would do away with altogether. He was clearly of opinion, therefore, that the motion could not be entertained.

Mr. *Wakley* thought, that if the proposition of his hon. Friend was contrary to the printed rules of the House, then he would be wrong to persevere in it; but if it were merely contrary to the practice of the House, he would be right to persevere in it, because the more frequently the practice of the House was violated, the better it would be for the public.

The *Chairman* was very sorry to hear what had just fallen from the hon. Member. He ought to be well aware, that unless attention was paid to certain rules and regulations, their proceedings must inevitably become a scene of great and gross irregularity. When the hon. Member contrasted the printed rules with the practice of the House, and inferred that the practice was not binding unless embodied in the printed rules, he begged to say that he knew of no rules on this subject, except such as might be extracted from the Journals of the House. The practice, in such matters, was usually gathered from the experience of old and attentive Members of the House, and he had never yet heard the practice questioned which he had already stated.

Mr. *Fielden* said, that the feeling in Oldham was unanimous against the bill which the Poor-law Commissioners were about to introduce there. He regretted that he should have to inform his constituents that the House had refused to hear him on the subject.

Lord *J. Russell* said the hon. Member was clearly out of order in persisting after what had fallen from the Chairman. It was of no importance whether the regulation laid down by him was a written rule or a part of the constant practice of the House. But he must make one remark upon the endeavour of the hon. Member to raise a prejudice out of doors by stating that the House refused to hear him. The House would not refuse to hear him whenever, at a proper time and on proper notice, he chose to move for leave to bring in a bill to repeal the Poor-law Act. It was not right for the hon. Member, because he was not allowed the power of setting at defiance all the rules of the House, to make a statement which was neither fair, just, nor true.

Mr. *Fielden* hoped the House would allow him to state his reasons why he thought he ought to make the motion.

Mr. *Williams Wynn* apprehended that the hon. Member was not at liberty to assign any reasons in committee for altering the rules of the House, because it was not in the power of a committee to alter the rules of the House.

Mr. *Fielden* gave notice for Monday of a motion for an instruction to the committee to the same effect as his proposed amendment.

Clause agreed to.

On Clause 3 being proposed,

Mr. *Wakley* rose to move its postponement. When the noble Lord, some fortnight or three weeks since, stated that it was not the intention of Government to interfere with those parishes that were now governed under Gilbert's Act, the declaration gave great satisfaction. But since that time a doubt had risen whether, even under the existing law, the Poor-law commissioners would not have the power to get rid of the operation of the local acts by incorporating the particular parish with others in a union. Many of the parishes now regulated by local acts were under great apprehensions of being put to heavy legal expenses in defending their privileges against the Poor law commissioners on this account. There were legal proceedings now pending on the subject, and he hoped, therefore, that the noble Lord would consent to postpone this clause, until it was decided whether or not the Poor-law commissioners had the power in question. He hoped, also, that the noble Lord would introduce a declaratory clause, intimating that those parishes would be secure under their local governments. The words of the clause were very ambiguous. and partook of that ingenuity and subtlety that characterised every thing that emanated from Somerset-house, and he hoped the noble Lord would give effect to what he (Mr. Wakley) really believed were his honest intentions with regard to this measure.

Sir *F. Pollock* observed, that the parish of St. Pancras had a local act, and that the Poor-law commissioners attempted to introduce their particular government by virtue of one of the clauses in the old act. In that attempt, however, they failed. The Court of Queen's Bench held, that when there was a local act, and a board of guardians, it was not competent to the Poor-law commissioners to introduce a board of guardians under the Amendment Act, as distinguished from the guardians under the local act. The parish of St. Pancras, therefore, escaped from the Poor-law commissioners with the dissentient opinion of one of the learned judges. He well. remembered what had taken place when he left the court, though he would not mention names. He left the court followed by a gentleman, who said, "As you don't like to have a board of guardians we will put you into a union." Upon which he said, "Sir, if you have any intention of doing that, I beg to tell you, that your present remark will for ever prevent that; for in the Court of Queen's Bench, or in my place in Parliament, I will always be ready to state what I have said, and prevent you from doing indirectly what you cannot do directly." He was a parishioner, and considered, that if they were large enough to conduct their own affairs, under a board of guardians, they did not want to be put into a union. He dared the party to do so. Some time after the Poor-law commissioners put the whole of the city of London—he thought no fewer than fifty-one parishes—into one union. He had moved, in the Court of Queen's Bench to set aside that order. Many parishes under the government of local acts and boards of guardians, complained of the interference of the Poor-law commissioners, and had said, that if they received the law as laid down at Somerset-house, many respectable persons who could live out of the workhouse with a little assistance, which the parishes were ready to afford, would be driven into the workhouse, and would, in consequence, die of shame. The Court of Queen's Bench had decided, after great deliberation, that under the 28th section, the Poor-law commissioners had the power of forming an union of any number of parishes they thought proper. There was no injustice in saying, that a board of guardians should not be imposed where one already existed; but these boards were superseded by uniting the several parishes into unions. What was done with reference to the Reform Bill and the Municipal Bill? In the former, a clause was inserted, repealing every charter, statute, and act standing in the way of that bill. A clause to the same effect was introduced into the Municipal Bill. Was this course adopted in the Poor-law Bill? No, and he was not surprised at it. When the Poor-law Amendment Bill was passed, it was the general understanding in the House, that all local acts should not be interfered with, but should remain in due force. He had endeavoured to obtain some precise and exact information with reference to that declaration, and had searched in the usual channels of information. He had not been able to find any distinct statement which fell from Lord Althorp, but certain expressions that fell from the noble Lord during the discussion justified the House in believing that parishes then under the control of local acts of Parliament, and local boards of guardians, were not to be brought under the operation of the Poor-law bill, and were not to be interfered with by the Poor-law commissioners. It was worthy of remark, that both the Reform Bill and Municipal Bill, repealed all those acts which stood in the way of the operation of those measures. It was never intended by Parliament, that between 300 and 400 acts of the Legislature should exist by the sufferance and caprice of the Poor-law commissioners. It was ridiculous to suppose, that such an idea was ever contemplated. If it were the intention of the noble Lord to make the House believe, that the Poor-law commissioners did not intend to repeal the local acts under which so many parishes were now governed, it was his duty to say so more explicitly and in less ambiguous language than that contained in the third clause of the bill. It was highly important, that the noble Lord, should, by a declaratory enactment, set the matter at rest without any delay. Great complaints had been made of the working of the Poor-law Bill generally. By it, it was endeavoured to produce a change in the habits, feelings, and manners of a number of persons, just as if their individual sufferings and position were a matter unworthy of consideration. He thought it inexpedient and impracticable to make any system of philanthropy, however good it might be in itself, universal, without considering the peculiar habits of the people residing in the different sections of the kingdom. A bill which might be good for the north, might be injurious in the south. The evil which he and others complained of, was the attempt made by the commissioners to introduce the same law into every parish in the kingdom, without any reference to local circumstances, which might act in modifying the operation of that law. The principle which was recognized in medicine was applicable to the Poor-law Bill—that which was most nutritious was not always the best. It was necessary to consider the habits and constitutional peculiarities, and not make any sudden and violent changes without proper reflection.

Sir *S. Canning* said, that he hoped that the statement of his hon. Friend would have due effect with the noble Lord. It was said by the Poor-law commissioners, that they had the power to interfere with local acts.

Lord *J. Russell* said, that he understood the hon. Gentleman to complain that under that bill the local acts would be more interfered with than under the Poor-law Bill itself. The purport of the clause was, that so far as that act was concerned, no further interference should occur than that which had taken place under the general act. That was what the clause professed and did. He could not see any ambiguity in the clause; it stated most explicitly that the present act should not interfere with any local acts that might exist. As to whether there was any ambiguity in existing acts of Parliament, that was a different question, and one to which the hon. Gentleman appeared to have directed his attention. The proposition which the hon. Member had endeavoured to establish was in many respects a startling one; because he stated that the Court of Queen's Bench having pronounced a judgment, one judge only dissenting, we should pass a law directly at variance with the principles which the Court of Queen's Bench had laid down. The hon. Member had referred to the parish of St. Pancras. In that parish as there existed a board of Guardians under the local act, the Court of Queen's Bench had decided that there should not be another board constituted under the Poor-law Bill, and that the management of the poor in that parish should be left to the existing board. With reference to the other points, the formation of unions, the judges had decided that there was nothing in the

Poor-law Act to prevent the commissioners from uniting those parishes into unions, whenever they considered it expedient to do so. The hon. Member had referred to an opinion of Lord Althorp. He certainly did not recollect anything that fell from that noble Lord inconsistent with the opinion of the judges. There was no attempt made to exempt parishes which had been governed by local acts from the operation of the law. Had this been done, great inconvenience would have arisen. Perhaps certain parishes having local acts might be allowed to select their own board of guardians. A clause to that effect might be introduced excepting those particular parishes. That was, however, a clause which he did not intend to propose. He did not see clearly the necessity of it, and should not introduce it. If, however, brought forward, he would give it his best consideration. He objected to a general clause excepting all parishes having a local act. If such a question were started, it would be necessary to consider what those local acts were. The hon. Member had alluded to the commissioners at Somerset-house having the power to control at their caprice 300 local acts; but he should bear in mind that the Poor-law Bill was a general law for the government of the poor, and that it would be manifestly unjust to set aside that general law to benefit certain parties who might have a personal interest in preventing a repeal of those local acts. He must confess that he had no very great respect for those particular local acts, or the administration of them.

Sir *R. Peel* said, that it could not be denied that the existing law, particularly that portion relating to the influence which the commissioners exercised over those parishes which had local acts, had given rise to great dissatisfaction. The Court of Queen's Bench had decided, that in parishes governed by local acts the Poor-law commissioners should not interfere. But by uniting the parishes, by including them with others in the form of an union, the Poor-law commissioners had it in their power to set aside the judgment of the Court of Queen's Bench, and the authority of all local acts and local boards of guardians. In that way all the parishes now governed by local acts were placed under the arbitrary control of the new Poor-law commissioners. He would not go so far as the noble Lord, and say that every parish which had a local act should not be exempt. He did not know the number of parishes now governed by local acts of Parliament. It might be possible that a few might have local acts for the purpose of concealing certain abuses which might exist in the parish, and on that account might feel indisposed to surrender their authority to the Poor-law commissioners. He would suggest to the noble Lord that he could not legislate satisfactorily on the subject that night, and therefore he (Sir R. Peel) recommended him to postpone the consideration of the third clause. Before that clause came again under the notice of the House, he should like to be informed of the number of parishes governed by local acts, the amount of population in each, and the number of parishes governed by local acts of Parliament in which the commissioners had attempted to introduce the Poor-law Bill. He thought it would be a fair question for the committee to consider whether there ought or ought not to be any limitation as to the population of parishes; as, for example, where there were at present parishes containing a population of 20,000 or 30,000 governed by a local act, it would be for the committee to consider whether it would be wise for them to exempt such parishes. But the more he examined this clause, the more he felt convinced that the House was not in possession of sufficient information on the subject. He therefore did hope that the noble Lord would agree to postpone the further consideration of the clause. He had always thought that where there were immense masses of population well governed under local acts, it would not be found expedient to place them under the control of the commissioners.

Mr. *Ellice* said, that from the knowledge which he possessed of the borough that he had the honour to represent, he was enable to corroborate the statement made by the right hon. Baronet opposite. The affairs of the poor of Coventry were administered by local boards. Now, it was well known that that city presented some of the most difficult cases that could be found in any part of the country. There was no place more liable to fluctuations in trade than Coventry, and there, as was well known to some hon. Members at least, the Poor-law commissioners could not interfere with the local boards. As now constituted, they could not interfere with them otherwise than by adding to them a parish from Warwickshire. He was quite sure that the commissioners would never dream of doing that indirectly which the law did not directly authorise them to do. But as nothing could be more unlikely than that they should wish thus to interfere, he thought it inexpedient that they should be invested with the power. For the reasons assigned by the right hon. Baronet, he did hope that time would be taken, and that the further consideration of the clause would be postponed. A more deliberate and careful consideration of it would, he was sure, be satisfactory to the large communities whose interests this part of the measure was intended particularly to affect.

Mr. *Leader* said, that after the speech of the right hon. Baronet, he was sure that the noble Lord, the Secretary of State, must give way—the noble Lord would be compelled to give way, after such a speech from the other side. Surely he would give way—the Government only existed through the forbearance of the right hon. Baronet. As a proof of this he would call the attention of the House to the fact, that on the suggestion of the right hon. Baronet, the duration of the commission was changed from ten years to five. For his (Mr. Leader's) part, he was delighted that the hon. Baronet had made the speech which the House had just heard, and he was convinced that the further consideration of the clause would be postponed. He could not say that the present clause had originated the dishonesty or the ambiguity—it merely went to continue the dishonesty and the ambiguity of the former measure. In Westminster there were several large parishes well administered under local acts. It was evident that the noble Lord wished to bring them all under the control of the Poor-law commissioners: for that reason did he say that the clause was dishonest and ambiguous.

Mr. *F. Maule* conceived that there had been some misunderstanding with respect to the power possessed by the commissioners. The Court of Queen's Bench said, that the commissioners were not to interfere with the electoral regulations of those parishes which possessed local acts, but they might interfere in the superintendence of the affairs of the poor and the granting of relief, and also they were declared to possess the power of interference in cases where any sanatory regulations were put forth.

Viscount *Sandon* hoped that the large parishes not already under the Poor-law commissioners would be allowed to remain as they were. The House ought seriously to consider before they took from those parishes the management of their own affairs. He quite concurred with his right hon. Friend in thinking that the House should have additional information before they proceeded; and, in addition to the returns already called for, he begged to say, that they ought to have a return showing the number of parishes possessing local acts where the population exceeded 1,000 souls. He, as other hon. Members who went before him, strongly recommended postponement,

Viscount *Howick* was also favourable to postponement, at the same time that he was opposed to any inducement being held out to the Poor-law commissioners to do that indirectly which the law did not permit them directly to effect. He was not one of those who were disposed to deprive the commissioners of the power of superintending and controlling the manner of administering relief to the poor. He conceived it to be most important thatthe commissioners should possess this power, whatever might be the extent and nature of the local authority. As a proof of the necessity of this superintendence, he should allude to some matters which took place in the city which his right hon. Friend on the Treasury Bench represented. It was alleged that considerable abuses prevailed in the workhouses there; he had no reason to believe that there existed any foundation for those statements, but the newspapers got hold of them, represented them as abuses of the most crying nature, and imputed the whole blame and responsibility to the Poor-law commissioners, assuming that the matter had originated with them, when in fact the parishes in question were under the government of local acts. Now these facts proved, as he conceived, in a manner the most conclusive, the absolute necessity which there existed for having some central authority to investigate and determine in cases of this description. As a further proof of the utility of this central authority, he begged to remind the House of the cases in Marylebone, to which the hon. Member for Arundel had adverted—he meant, the fact that ten women of the worst character were sent out in a vessel to South Australia. That proceeding, an instance of the most crying abuse, had been carried merely by the casting vote of the chairman. Surely the House would agree with him that the commissioners ought to have the power of interfering in such cases.

The *Attorney-General* implored the House not to destroy or fritter away the measure, by preventing the commissioners from exercising a proper degree of superintendence over large parishes possessing local acts.

Sir *B. Hall* said, that the clause left the law just as it was before, but to that the metropolitan parishes decidedly objected. He hoped, therefore, that the further consideration of this clause would be postponed.

Lord *J. Russell* said, in regard to what the right hon. Gentleman opposite had stated—that it was desirable the House should be in possession of a statement of the number of parishes to which local acts applied, he would answer that such a statement had been already made out, and was contained in the fourth report of the Poor-law commissioners, and it certainly would be convenient for the House to have extracts from that report laid before them. [Sir *R. Peel.*—There might also be a statement of the population, according to the last census.] The report did not contain such an account, but it did state, that there were 364 parishes incorporated under local acts, and eleven parishes under separate local acts. There could, however, be no objection to such an account being made out. It did not seem to him that there was any objection to some provision being introduced in regard to large parishes under local acts; because, although he did not in the least expect that the Poor-law commissioners would endeavour to do indirectly that which they could not do directly, he did not object to an act of Parliament expressly forbidding them. He had therefore no objection to the postponement of this clause. With regard to his general opinion, he had nothing to add to what had been stated by his noble Friend, the Member for Northumberland. He agreed with him in all he had stated, in reference to the powers given to the governing bodies of large parishes under local acts, and in the opinion that they should not be freed from all control of the commissioners, which might be useful in other respects.

Mr. *Wakley* wished to know whether the noble Lord would object to a return being made by the Poor-law commissioners, showing the grounds of litigation in the different parishes.

Captain *Pechell* said, he hoped the noble Lord would not object to extend the return which was to be made of the nnmber of parishes under local acts, and their population, to the parishes that were incorporated under Gilbert's Act.

Mr. *Muntz* was surprised to find, that hon. Gentlemen, who always on other subjects preferred local government should, on the subject of the Poor-law, be opposed to it. He had been requested by his constituents to vote against this Clause, and he was certain, if it remained as it was, a great number of guardians would resign.

Clause postponed.

On the 4th Clause being read as follows,—

> " That every rule, order, or regulation of the Poor-law Commissioners which shall be issued, and shall apply to a class of cases, or to a series or succession of occasions, shall be deemed to be a general rule; and that every such rule, order, or regulation, which shall apply only to a single case, or a single occasion, shall be deemed a particular order."

Mr. *H. Hinde* rose to propose certain verbal amendments, so that the clause stand thus,—after the words

> " And be it enacted," "that no rule, order, or regulation by the Poor-law Commissioners should be issued after the passing of this act, except such orders as should be necessary for the formation and superintendance of Unions, under the provisions of this act,"

he would first propose that the word " every " be left out, and the word " no " substituted. The hon. Member said, it might be necessary to give arbitrary powers to the commissioners in the first instance, but now that the law had been some time in operation, he thought those powers should be no longer continued, and that the House was not justified in delegating to others those duties which devolved on themselves. He would not question the power of Parliamant to delegate those powers; but considering that the present Parliament was in the last flickering stage of existence, he would ask whether they had the right to give the body of Poor-law commissioners a legislative power for a period of five years? He thought they were bound to go much more than they had done, into the regulations that were made by those commissioners, and to embody, in statute law, those with which they agreed, and to repudiate others. That the commissioners were men of humane feelings, he was bound to believe; but the unalterable tendency of irresponsible power was, to produce hardness of heart. One thing which he in particular objected to was, the spirit that pervaded the whole of this law, in making pauperism a source of degradation to the poor. That might be the most efficacious means of diminishing pauperism, but it was a most unworthy mode of attaining that end. In the first place, paupers were no sooner admitted, than they were clothed in the workhouse dress. Now, as a magistrate, he had had opportunities of knowing, that persons confined in gaols felt no degradation more strongly than the badge of the prison dress. Was it right, then, that they should class those who had violated the laws of their country, with those who had had the misfortune of being reduced to want and penury? But there was another regulation more degrading than that. It was, that the relieving officer and overseer of every parish were bound to make out and post on the church doors, a list of all the persons who, during the last three months, had received the most trifling kind of relief from the parish. While upon this subject, he was desirous of referring to two of the most important rules of the commissioners. The first of these related to the treatment of the aged poor, and the separation of man and wife. In his opinion, the execution of this rule with perfect strictness was not wise. There was, however, a mitigation of the rule in favour of aged couples; and a proviso was framed to the effect, that the board of guardians might be at liberty, if they deemed it advisable, to make an exception to the rule. He had no fault to find with this proviso, and it was indeed most extensively acted upon by the boards of guardians. But how did the Poor-law commissioners act then? They were dissatisfied with the conduct of the boards of guardians, and accordingly issued another order, declaring that the boards were at liberty under special circumstances to depart from the regulations respecting married couples, but directing them to enter such reasons in the minutes of their proceedings, and making the sanction of the commissioners necessary to give validity to the decision of the boards of guardians on this head. To this amended rule he felt the strongest objection. With respect to the separation of children from their parents, too great strictness was observed. He thought that when the parents were well conducted and moral people, there ought to be some communication every morning and evening between them and their children; and the boards of guardians ought not to be made such nonentities of as that they should not be able to allow an unrestricted interview, according to discretion, to take place between the parents and the children. He also found among the orders of the commissioners, an order respecting the diet of the paupers, which it appeared was to be so regulated as not to be superior to that of the able-bodied labourers in the district. He looked upon this as an exceedingly objectionable order, and it must be attended with results of a most opposite kind in different districts. When applied to districts where the hand-loom weavers constituted the population, the consequence was, that the diet would be scarcely better than a starvation diet; while, on the other hand, in the district with which he was connected, the guardians might go much below the ordinary fare of the able-bodied labourers, and yet the fare of the paupers would be far from miserable. However, the Poor-law commissioners were not content with this order, but they still further regulated the diet, and the manner in which it should be given; but on referring to the page in the papers, where he expected to see their regulations on this subject he found it blank. He certainly was not inclined to extend his confidence to the Poor-law commissioners, for he perceived in every act of theirs a determination to extend their powers, not only to the limits of the law, but even beyond the limits of the law. They had not only repealed many Acts of Parliament, but they had got rid of a clause in the very act by which they held their being. The 52nd section of the Poor-law Amendment Act enabled the Poor-law commissioners to give directions on the subject of out-door relief, but there was a provision showing, that the guardians had uncontrolled power of granting relief in cases of emergency. The obvious meaning of the clause was, that in cases of emergency, of which the guardians were the sole judges, they might give relief in money subject to the sanction of the Poor-law commissioners, to whom they were bound to report the circumstance. But if, in a case of emergency, they gave out-door relief in diet or medicines, though they were bound to report the same to the Poor-law commissioners, they were totally irresponsible and independent of control in this respect. The Poor-law commissioners, however, had issued a regulation altering the law; for it required that the giving of any relief, of whatever kind, should be subject to their approval. This was contrary to the Act of Parliament; yet in an agricultural district, where the guardians for the most part consisted of farmers, they were more likely to look to the order of the commissioners than to the Act of Parliament. Whether the commissioners violated the words or the spirit of Acts of Parliament, he always found them acting in favour of arbitrary power, and against the local administration of the Poor-law. The hon. Member concluded by moving his amendment.

Lord *John Russell* would not now enter into a discussion respecting the rules, orders, and regulations, of the Poor-law commissioners. It was plain that the proposition of the hon. Member went to the extent of taking from the commissioners all power save that of forming unions, and calling upon the board of guardians for returns and accounts of expenditure. He would briefly describe the state of this question when the Poor-law Amendment Bill was brought under the consideration of Parliament. Everybody was at that time convinced that the greatest abuses had taken place under the old administration of the Poor-law. The hon. Member talked of the arbitrary power possessed by the commissioners, but under the old system there existed about 13,000 different bodies, exercising this arbitrary power according to their own will or caprice. One of the commonest forms in which this power was exercised was that of taxing all the inhabitants of a parish for the purpose of making up the wages of the labourers. This was one of the many abuses which convinced the whole country of the impossibility of continuing the old law. There were two ways in which the system might have been amended; one of these, which was generally thought of before the commission of inquiry was appointed, was to lay down some positive rule on the subject by Act of Parliament. But this was found to be impossible, in consequence of the varying circumstances and practice of different parishes. No uniform rule could be laid down which would not, on the one hand, create or continue many abuses; or, on the other, put too violent and abrupt a termination to the old system. It was then suggested with respect to out-door relief of able-bodied men, that it should cease on a certain day; but the more this proposition was considered, the more it was thought unadvisable to lay down any inflexible rule on the subject. Therefore, the only course left was to appoint commissioners, who should have the power of issuing rules and regulations from time to time, and thereby adapting to the different parts of the country an improved system. This was the plan which Parliament adopted; and after the experience they had now had, it seemed to him to be a wise plan. Of course he was not prepared to assert that every particular rule and regulation issued by the commissioners was wise; but he was ready to maintain that their general administration of the Poor-law was well considered, and was not cruel, tyrannical and despotic. If the hon. Member proposed to lay down any positive rule with respect to granting relief, he had omitted to explain the nature of his proposition. But another course might be pursued, and to this the adoption of his amendment would lead. The boards of guardians might be left to act, each separately in its own way, but this plan would revive again every one of the abuses of the old system. He had no doubt that many of the boards would proceed on intelligent views in administering the Poor-law; but many others, consisting of one particular class—and he was sorry to say, it too often appeared to be the interest of a certain class to favour the worst abuses of the Poor-law—would be prepared to revive all the enormities of the old system. Before sitting down, he would give a statement of the relief granted to the poor, according to the course pursued by the commissioners, who were described as such cruel administrators of the law. In the quarter ending

Lady-day, 1840, the number of persons relieved by in-door relief was 134,000, whilst the number of those relieved by out-door relief amounted to 747,000. The number of able-bodied persons, including their families, relieved in England alone, during that quarter, was 93,134, and in England and Wales 104,356. He opposed the amendment, because it would put an entire stop to the present system.

Mr. *H. Hinde* said, he thought it to be the duty of the House to lay down rules and regulations, and not to delegate that power to third parties. Many gentlemen who were ready to hand over the poor to the management of the commissioners, would themselves hesitate to enact what those commissioners had enacted. A committee of that House would be able to consider the whole subject in the course of a few days, and to decide what discretion should be vested in the commissioners.

Mr. *Ward* said, if the House went into the consideration of rules and regulations, the hon. Member would probably find that a majority would not coincide in his views. The hon. Gentleman wished that they should not make pauperism a degradation. Surely they should not make it an honour. They ought not to teach the poor to trust to any but their own resources. That man was a most mistaken friend to the poor who taught them to place reliance on a public fund on which they could always fall back. All that had passed showed that the House was not in a position to lay down principles which would make superintendence unnecessary. With the hon. Member's amendment, the superintendence would be merely nominal. In fact, if the hon. Member's amendment were carried, the result would be, that an expensive commission would continue to exist, but it would have very little business to transact. The hon. Member talked of irresponsibility; but who were responsible if the commissioners were not? What had they met with from any Members of that House, but odium and obloquy in return for their labours, in which he believed they had made as few mistakes as it was possible for men to make under the circumstances. The improved system was fraught with many indirect advantages. He believed a better school of self-government than the local boards of guardians did not exist. He thought there never was a law which gave rise to so much talent, industry, and good feeling as had been shown by these bodies in their endeavours to fulfil the intentions of the Legislature. He did not think they were discontented with a controlling friendly superintendence, but were ready to seek its advice, of which they had often beneficially availed themselves. Some of the existing regulations might certainly be relaxed. There were certain classes of persons, such as persons in advanced life with children of tender age, and very old persons, respecting whom, when they came to consider the rules, relaxation might be advisable. The expense of maintaining a labourer with his wife and four children in the workhouse was 11*s*. 7½*d*. a week; which, compared with the ordinary wages of our agricultural labourers, did not show that the diet was so meagre as some hon. Gentlemen supposed. He did not think that any one was entitled to say that there was an intention to hand over the poor to the tyranny of any one. That was not the object of the bill. He (Mr. Ward) had supported the bill from an honest conviction that it would benefit the poorer classes, and raise the labourer, by exempting him from the necessity of having his wages doled out to him in part from the parish table on a Saturday night. As to the separation of husband and wife, it was confessedly necessary in an establishment containing numerous inmates, where, without separation of the sexes, there could be no regularity. It was a privation which numbers of persons in the middle classes were obliged to undergo for considerable periods, in order to gain the means of independent support. He should certainly oppose the amendment of the hon. Member, as being inconsistent with the well working of the present system.

Sir *H. Fleetwood* said, the boards of guardians in the country, comprising large rate-payers, as well as magistrates, felt the hardship of being compelled to receive the dictation of commissioners sitting in London. Constituted as boards of guardians, if they were not competent to carry out the objects of the Poor-law, they were not fit to manage the county-rates or any other matter.

General *Johnson* would be glad to know what good feeling the commissioners had exhibited towards the poor? No law had ever produced so much discontent in the country as the new Poor-law. The orders of the commissioners were continually at variance, so that it was impossible to know what was law and what was not. He hoped the hon. Member would divide the Committee on his amendment.

Lord *G. Somerset* felt much difficulty in giving his vote, arising from the opinions which had been given respecting the propriety of many parts of the new Poor-law; but, having supported this law, he could not see how it could be carried out but by the commissioners having a large power of superintendence and control, which he was not prepared to abolish. The amendment of his hon. Friend went to do away with the power of the Poor-law commissioners as to making rules and regulations, except a limited control in future, not doing away with the former rules now in existence. All the regulations to which he objected would be still continued, if the amendment of his hon. Friend were carried. Although he (Lord G. Somerset) was not able to support the doing away with many of those stringent regulations, yet he did think the House should force the commissioners to modify many of their regulations. He thought that a great part of the unpopularity of the present Poor-law was owing to the manner in which it was carried into effect. He believed that the feeling against the new Poor-law was mainly attributable to the orders of the commissioners, and still more to the manner in which those orders were delivered—to their harsh expressions and most disagreeable opinions with regard to the lower classes of the community. The higher classes were better treated; but even the higher classes, in the board of guardians, were sometimes treated with little consideration by the commissioners, who seemed to think that they were in the position of being right in all their *dicta;* that any person who presumed to think that their *dicta* were not infallible, was unfit to be a member of a board of guardians, or to manage his own concerns. But, independently of this, in their reports laid on the Table of the House the same spirit prevailed; the same arrogance—he was aware that this was, perhaps, an offensive word, but it was the only word he could find—the same arrogance prevailed in every one of their reports to the Secretary of State. A right hon. Friend of his (Sir R. Peel) the other night had referred to an extraordinary paragraph in one of these documents—a paragraph of a most offensive and improper kind; but, strange to say, in the copy of the report sent to the Members of the House that offensive paragraph did not appear. He believed that, in consequence of what had been said by his right hon. Friend, they had been prudent enough to withdraw it; but the paragraph, he believed, appeared in the copies sold to the public in the usual place. With regard to the examinations taken by the commissioners on the subject of education, why was it necessary to publish evidence tending to injure the manufacturers of this country in comparison with the manufacturers abroad? When the Poor-law Commissioners took evidence of this kind, it should be private, or they should give fair play to the parties. Although, however, the feelings of people of all classes of society were very strong on the subject of the powers exercised by the commissioners, and free opinions were given as to their limitation, he (Lord G. Somerset) was not aware of any means of dispensing with them. But he hoped that the commissioners themselves would be induced to modify that strong love of their own propriety, and that they would rather strive to allay the strong feelings which had been excited in the people of this country, than attempt by harsh and arrogant dictation to carry out their own severe measures. He was sorry he could not vote for the amendment of his hon. Friend; it was not because he liked the proceedings of those who had the administration of this law, but he did not see his way clearly as to how they could be dispensed with.

Lord *John Russell* could not allow the observations that the noble Lord had made to pass without remark. He felt that in the original appointment of the Poor-law commissioners the Government was deeply responsible. This he could answer for, that never were appointments made in which the Government was more anxious or more careful to select Gentlemen who would be able to carry into effect the views of the legislature. No other object than that had influenced the Government. With regard to one of them who was originally appointed, it was well known that in his political opinions he was adverse to the present Government. As to the other, he had served as Under-Secretary of State to a noble Lord who was not then present, but who had been Secretary of State for the Colonies. And as to the third, he did not believe that any Member of the Government was aware, when he was appointed, what his general opinions might have been. Thus, then, was the selection of those Gentlemen made—it was made in order that, by their united opinions, and by their knowledge, they might be able to perform their duty in such a manner as to give satisfaction to the country. And he must say for himself that he had seen nothing in their conduct or in their proceedings that induced him to repent of the circumstance of his having given them their appointments. On the contrary, he thought that they had laid down sound principles as regarded the law, and they had too carried the law into effect, on the whole, very judiciously. The utmost that could be imputed to them was with regard to some of their circulars or their letters, as sometimes adopting a style, with regard to a theory, that did not so properly belong to them as administrators of the law. But then, with respect to arrogance, he really must say that the noble Lord who made the charge entertained very strong opinions upon many subjects which he stated to that House very clearly and in a very strong manner, and he should just as soon think of imputing to the noble Lord that which he had charged against the commissioners for the statement of their opinions. Let it be considered by the House that the duty imposed upon these gentlemen was not one of a very agreeable nature. A commencement was made by the Legislature in the correction of abuses. Much was to be done in the retrenchment of the evils of a wasteful, unnecessary, and improper expenditure. The commissioners had not great funds at their disposal; but there were funds — large funds — at the disposal of others, whom they had to direct, to check, and to control; and to take care that the administration of these funds was more honest and more careful than hitherto it had been. Nothing could be so disagreeable to those who administered the funds as to find that a strict check was really imposed upon them. He was not, then, in the least surprised to find that those who had the distribution of the funds should have considered that others having such a power over them should find it very disagreeable. This was naturally to be expected. But then, with regard to their opinions, he would quote two passages from their report. With respect to what their objects had been, it would really be thought from the manner in which they had been spoken of, that they felt a kind of pleasure in manifesting harshness and severity in their bearing to the poor. Now, they themselves stated those objects explicitly. He would read the passage.—

"We need hardly assure your Lordship that although we derive satisfaction from perceiving the gradual diminution of the burthens of the rate-payers, and from the conviction that the Poor-law Amendment Act has already relieved the country from a direct annual taxation of nearly 2,300,000*l.* sterling, we look with greater interest upon those higher results of that important measure which are daily developing themselves. We believe these results to be—1. The more prompt and adequate relief to the aged, the infirm, und the sick. 2. The encouragement of the industry and moral habits, and the consequent increase of the welfare of the able-bodied of the labouring classes. 3. The improvement in the education of pauper children."

Now, he asked, could men propose to themselves greater or higher objects than these? He believed that they had kept those objects constantly in view in all the measures that they had taken. And when the noble Lord spoke of their arrogant report, he might quote this passage:—

"We trust that your Lordship will not consider that we have laid before you too-highly coloured a picture of the favourable moral effects which have already resulted from the Poor-law Amendment Act, or that we have taken too sanguine a view of the ulterior consequences of this important measure. We can assure your Lordship that it has been the contemplation of these results, and the hope of these consequences, which have mainly enabled us to sustain the continuous labour and anxiety of the last four years, and to bear patiently the charges made against the law and its administration, and those attacks on the principles and details of our proceedings which have been so pertinaciously forced upon the public attention, and which have occasionally, but we rejoice to say, rarely, been countenanced by some persons from whom (considering their character and position in the country), we might reasonably have expected aid and not obstruction in the performance of our duties."

It really seemed to him that they had proposed to themselves the highest objects, and in what they had done were actuated by benevolent views. If he then were justified in what he was stating to the House, he thought that the House would agree with him that, having imposed upon these Gentlemen duties that were extremely arduous, and that exposed them to incessant attacks and continual imputations—if, too, they had really carried into effect the intentions of the Legislature, and if they honestly and firmly did their duty, the House, he was sure, would aid and support them, and that they would not, when they had passed a law that was likely to be unpopular with many classes—when they had passed a law by which they had endeavoured to correct abuses that extended over not a small portion of the country, nor a small number of people, but over a large country, and amongst millions of people—when they had passed such a law, and that it was followed by odium and by unfounded attacks, they would not endeavour to shift the blame that accrued from their own legislation upon the heads of other persons, who, he really believed, whatever had been said of the law and the system they sought to enforce, were as deserving of the public regard and public admiration as any men who were ever yet charged with high and important functions.

Viscount *Sandon* did not believe that any one could be guided by more upright and correct motives than her Majesty's Ministers had been in the choice of the Poor-law Commissioners. With regard to the Gentleman at the present moment at the head of the commission, it was impossible for any man to have the slightest intercourse with him without feeling esteem for him. But these private considerations were not to tie the hands of the Members of that House, and prevent them expressing their opinions against this law, and the manner in which it had been carried into effect. The noble Lord at the other side of the House quoted to them a passage which he thought indicated a great degree of modesty, and vindicated the commissioners from the charge of arrogance which was made against them by his noble Friend (Lord G. Somerset). He did not think that a passage could be quoted which more supported the charge. It was impossible for any man in their (the commissioners') opinion, to call in question the Poor-law Amendment Act; it was impossible for any man to make a charge against an officer of the Poor-law commission without being at once run down. This was not fair; it was surely open to men who saw and lamented in many instances the effects of the pressure with which the Poor-law did operate on certain classes to state their opinions and feelings without being held up as men actuated by factious motives. This was exactly an instance of the feeling which ran through the whole of their proceedings; they could not conceive that they were wrong. Any person who questioned their administration of the law was looked upon as questioning the law. An important part of their functions was to check needless expenditure; but it was not their only purpose. They (the commissioners) said, "Our principal duty is to prevent any relaxation to the poor." But if these Gentlemen had understood better the principle of the enactment they had to carry into effect, they would not have appeared in one character only, as checking expenditure, but also as checking niggardliness on the other hand. But where did they find the commissioners complaining that the dietary was too poor? It was always, "It is too good." On every side they always appeared in the single capacity of restricting expenditure; but he saw no case where they had checked a body of guardians for carrying any part of the New Poor-law too strictly into effect. They should have relaxed where needed, as well as have restricted where needed. They should have appeared as mediators and protectors. If in this capacity they had appeared as the adapters of a new system to the various circumstances of the country, instead of laying down general principles to be every where acted upon, he believed they would have been hailed as blessings all over the country, instead of being looked upon, as they too generally were, as the enemies of the poor. He believed them to be too much the slaves of a certain theory, which made them think that they were bound to throw overboard their individual feelings, in order to attain a certain object. They seemed to think, that by the restrictions they imposed, they would be able to make a future generation so prudent and temperate as not to need any relief, but who would depend entirely on their own exertions. But this was a mere visionary notion, which it was impossible to carry out. He objected to the language used by the commissioners in their various communications, which, in his opinion, had contributed as much to their unpopularity as their acts. He should, however, oppose the amendment of his hon. Friend.

Sir *H. Verney* could not allow the statement just made by the noble Lord, that the commissioners always acted against the poor, to go uncontradicted. There were instances on record of the Poor-law commissioners having interfered as the friends of the poor, and against the guardians, and endeavoured to make the carrying out of the law less stringent. It was impossible to feel more strongly than he did, that the agricultural districts owed a deep debt of gratitude to the Poor-law commissioners. However unpopular that statement might be, he would be honest enough to state what he felt. In the district where he lived, the administration of the old Poor-law was in a most shocking state. But this, partly by the new law, and partly by the regulations of the Poor-law commissioners, had been remedied. He should oppose the amendment.

Mr. *Halford* had given no opposition to the passing of the New Poor-law, but had done his best in his own district to promote its successful working. He had not, however, been able to do otherwise conscientiously than oppose the present bill, and he must, therefore, support the amendment of the hon. Member below him. In doing so, he did not think he was acting inconsistently. He opposed the principle of the perpetuation of the powers of the commissioners, which appeared to him to breathe in every line of this bill. His impression had been, when the New Poor-law was first introduced, not that the power of the commissioners was to be permanent, but quite the reverse. Their use was to put the bill into efficient working. If he had anticipated that their appointment would have given rise to their continuance, and a demand for increased powers, he should have opposed the original measure. It was said, that the board of commissioners was necessary in order to shelter the board of guardians from obloquy in the exercise of their duty. To impute this degree of cowardice and want of good sense to the people of England, was a libel on their characters which they did not deserve. He did not think that the rich and poorer classes stood in such relation to each other, that they wanted a central and intermediate authority to interpose between them. He felt that he could not do otherwise than oppose this bill, in all those parts of it which gave increased power to the commissioners.

Mr. *G. Knight* wished to say a few words in reference to the case of the Basford Union, alluded to by the hon. Member for Finsbury, as he was unwilling to allow an imputation to rest upon persons who were not to blame. That blame must attach to some one, and that some one had been guilty of misconduct he was fully aware; but it was not the board of guardians. The mistake originated, not in an order, but in a misrepresentation. He held in his hand a letter from one of the guardians of the union, who was no friend to the Poor-law, and whose testimony could therefore be the better relied on, stating that no written order had been made upon the subject, and that the verbal order which had misled the medical attendant arose from an instruction which was meant solely to apply to some abuses of the workhouse, but which was never meant to apply, and never was applied, to the medical attendants. The gentlemen who wrote this letter, in common with the other members of the board, felt themselves greatly hurt by the imputations which had been cast upon them in that House, and he felt that he was but doing them justice in thus stating how the unfortunate circumstance had arisen. He was of opinion that some central superintendence, such as the commissioners, was necessary; but he was exceedingly desirous that it should be conducted with as little harsh or harassing interference as was compatible with the due administration of the law. It appeared to him, from some instances with which he had become acquainted, that the commissioners had interfered in a manner more harassing to the boards of guardians than there was any necessity for. Because he was anxious for the success of the law, he hoped the commissioners would see that a proper allowance was made to the poor, and particularly to the sick poor, that out-door relief should be afforded to as great an extent as possible, and that no such cruelties or inhumanities as had unfortunately more than once taken place in the workhouses should be again permitted. He confessed he should be better satisfied if the relative powers of the commissioners were more abridged. He felt that they could not be altogether dispensed with, but that they should only be resorted to in cases of necessity.

Mr. *Slaney* defended the commissioners from what he considered rather an unmeasured attack on the part of the noble Lord. His belief was, that in the exercise of the powers with which they had been intrusted, however they might have erred upon some points, they had, in the main, succeeded in upholding the independence, and improving the condition of the poor, while they had greatly benefited the public at large. He contended that the position of the aged and infirm particularly had been greatly bettered by the new Poor-law, in comparison to what it was under the old law. Although he did not think that any of the publications of the commissioners deserved to be termed arrogant, he admitted that in some of them the commissioners had evinced a want of caution and discretion.

Mr. *Wakley* begged to submit, that it appeared to him, that the house had been occupied more than an hour in discussing a matter that was not before them. Their business was to discuss the clauses of the bill, and not the private and personal character of the commissioners. He had never heard any individual, whatever might be his feeling with regard to the Poor-law, throw out any imputation against the character of the commissioners or any person in the commission. He knew no circumstance prejudicial to the private or personal character of the commissioners, or to any person employed in their service. He was opposed to the new Poor-law, and to the rules and regulations of the commissioners, and not to the individuals themselves. He begged to remind the hon. Member for North Nottingham (Mr. G. Knight), that his statement was an explanation, and not a refutation, of the statement made on a former evening. The hon. Member said, that there was a misapprehension of an order, and that, in fact, there was no written order at all. But there was an order, whether verbal or written, and he should like to know who made that order. The medical attendant stated that the order was in force, and he added, that for six successive weeks he applied to the chairman of the board of guardians entreating that the order should be rescinded, and the chairman acknowledged that such was the fact. It was admitted that blame existed somewhere, but who was to blame? He put it to the House whether a medical practitioner was empowered, under the existing rule of the Poor-law commissioners, to administer such food and wine as he thought necessary for sick patients? What was the answer given to Mr. Henry Lennard, a medical practitioner by the commissioners? It was to the effect that he had no such authority as he had supposed, and that however ill a patient might be, he could not order wine or such like nourishment without the sanction of the board of guardians. He had that day seen Mr. Phillpott, the medical attendant upon the Paddington union workhouse, and that gentleman had informed him, that when he had ordered extra diet his order had been disobeyed. They had heard much of the benefit conferred by the new Poor-law upon the aged poor. He would state what had occurred within h.s own experience. That very day, having a few moments to spare, he had visited an alms-house, and had inquired into the operation of the law. A poor old trembling creature, about seventy years of age, told him that before the new law she used to receive 5*s*. or 6*s*. a week, but that her allowance now was 1*s*. 6*d*., with a pound of beef and a loaf of bread weekly. He had asked Mr. Phillpott, if he ordered wine or additional food for such a poor creature as this, how his order would be treated? and the answer was, that the things ordered would be given at once, but that in a short time they would be discontinued, and then the pauper would be told that she must go to the workhouse. He had then inquired of this old pauper whether, for the sake of the additional stimulants and food, she would leave the alms-house? and the answer was, that she would remain and perish rather than go into the union workhouse. He would be prepared on Monday evening to discuss the subject more fully, and if any person chose to be illiberal and vulgar-minded enough to dispute the truth of his statements, he hoped that such person would take the trouble beforehand to inquire into the truth of the statements he had already made.

Viscount *Howick* begged to be allowed to make a few remarks, in consequence of a communication he had received from the guardians of the Basford union. It had been stated on a former evening by the hon. Member for Finsbury, that an order had been made in that union, that, even in cases of emergency, the medical officer should not be at liberty to administer wine or other stimulants without the sanction of the board of guardians, and that, in consequence of this order causing delay, there had been a case in which death had occurred. Now, in addition to what had been that night stated by the hon. Member for North Nottingham, he had received a communication from one of the guardians, transmitting to him a printed paper, comprising a resolution that was passed at a meeting of the board of guardians on the 23d of February last. In this resolution the guardians denied, in the strongest manner, that there existed any such rule or regulation prohibiting the medical officer from immediately granting, upon his own authority, wine, or meat, or any other article he might deem necessary. They denied, that any such order, written or verbal, had ever been in operation; and not only did they deny it, but they produced proof that it had never been in operation. They referred to the records of the workhouse to show, that between the 28th of December and the 10th of February, when this unfortunate death occurred, the very medical officer, Mr. Morley, who had made the statement referred to by the hon. Member for Finsbury, had, of his own authority, and by his own free will, placed upon extra diet twenty-eight patients, meat daily! twelve, meat and ale daily!! five, meat and wine daily!!! supplied from the stock without ever once consulting the board upon the subject, or receiving from them let or hindrance, advice or admonition, restraint or caution, in a single instance, as to its application. As a further remarkable instance of the total disregard of truth manifested in the statement put forth by Mr. Morley, the astounding fact might be mentioned, that only ten days before, he made, on oath, the averment, "that if a man be taken ill on Tuesday evening, I have no authority to order wine, or beer, or stimulants, till the board order it on the following Tuesday," he actually ordered in conjunction with the honorary physician, to one patient, four ounces of wine daily, with meat; to another three ounces of wine, and meat, and never made any communication to the board on the subject, further than entering it in his weekly medical report, where the cases would have remained, in all probability unnoticed by any one, but for the extraordinary circumstances of the last week. In addition to the evidence furnished by the above facts, that this board never could have entertained, even in idea, a rule so absurd as that imputed to them, may be mentioned, that during the same period the district surgeons prescribed wine, ale, and meat to numerous cases of our poor, which in no one instance was refused to be allowed by the board, when afterwards brought before them. He confessed, that when he heard the statement that was made on a former evening he was astonished. He could hardly believe that any board of guardians could have acted so wrongly and improperly, and he thought the resolution he had referred to, and which had been adopted at a meeting of the whole board of guardians, proved how necessary it was, that all statements should be closely scrutinised before they were implicitly relied on by the House.

Mr. *C. Hamilton* did not think the question which the House was now called upon to decide, had reference to the conduct of the commissioners, but whether powers should be intrusted to them which should reside in the Legislature alone. He did not stand up for the old law; the abuses of that system had nothing to do with the question whether arbitrary and hitherto unheard of powers should be given to the Poor-law commissioners. He entirely concurred in what had fallen from the hon. Member for Finsbury with reference to the individual character of those gentlemen; but still he must say there was a general opinion throughout the country, and especially amongst the boards of guardians, that it would be extremely dangerous to permit any single case on being brought before the commissioners to be made the ground of a general rule.

Colonel *Rolleston* regretted that his hon. Friend (Mr. G. Knight) had been induced again to bring forward the case of the Basford Union. He was perfectly certain, from what he knew, if his hon. Friend had been permitted to exercise his own judgment he would have been silent. His hon. Friend had alluded to certain documents he had received from a certain individual, but without favouring the House either with an explanation of those documents or the name of his correspondent. He knew what was the nature of the document, and certainly it suggested a most ingenious and adroit mode of getting out of the difficulty. He was prepared, however, to assert what he had asserted before with reference to this case, premising, however, that his statement did not depend on any *bonâ fide* distinct knowledge of his own, but on the oath three times given in courts of justice by the officers of the union. The facts were briefly these:—An unfortunate individual was brought a distance of eight or ten miles to this union in the severest weather, and to use the words of the medical gentleman who happened to be in attendance within a few minutes after he arrived, *in articulo mortis*, He continued to decline for six or eight hours, and then expired. It would be in the recollection of those who were present on the former occasion that he stated that the only remedy applied by the medical man had been warm tea and water-gruel, and on being asked why he had not applied more powerful stimulants, he replied, that an order of the board, a distinct and positive order, had been given to him that no wine or stimulant should be administered under any circumstances. He added, that although the life of the individual could not have been saved, he thought his suffering would have been ameliorated. Upon the instant he told the medical officer he must have been mistaken, such an order could not possibly have been given; it was against the act; against the rules and orders of the commissioners; against every dictate of humanity. What was the reply? Was this in secret? It was in open day, in the face of the board of guardians then and there assembled, partly at his instigation, solely to investigate this case; but not one member of that board rose and controverted the assertion of the medical officer. He repeated that there must be some mistake, upon which one of the board said, "He is not wrong, for a pauper of my own parish wanted wine, and was refused under the same circumstances." Such was the evidence given before the board of guardians, which he heard twice repeated on oath at a subsequent period. The matter did not rest there. The medical officer being all but disbelieved, applied to the chairman of the board who was the high sheriff of the county, who not only confirmed him, but his words were, "You have applied two or three times, and the board has refused to rescind this order." The noble Lord (Howick) had read a statement to the effect that no order had been given to the surgeon. This was explained by what the chairman afterwards said—"You made use of a wrong expression; what we term an order is that which is written in the book;" but the surgeon certainly received a strict, positive injunction and prohibition not to administer wine or stimulants. The only mistake was in using the word "order". Such was the plain statement of this case, which he repeated he was sorry should have been again brought before the House. One good result might at least be expected. The sensitiveness of these gentlemen, upon the case being submitted to the public, satisfied him that such practices would not be followed in future. But he warned his hon. Friend (Mr. G. Knight) and those who instructed him, not to persist in references to the medical practice pursued by the officers of this union, or there were other cases of a still more serious character, which he should feel it to be his painful duty to bring before the House.

Mr. *C. Wood* hoped the matter would not be allowed to drop. As it stood now, there was a most extraordinary contradiction, for it was impossible to state where the truth lay, between the hon. and gallant Officer who had just sat down, and the statement of the hon. Gentleman opposite (Mr. G. Knight) and his noble Friend (Viscount Howick) near him. There was one thing ascertained, that within two months before the death took place, this surgeon did, of his own authority, give to persons within the workhouse, meat, wine, and ale, without the authority of the board, and without its being disallowed. How these facts were reconcileable with the existence of any such order as that referred to, appeared to him utterly inconceivable. The guardians, in the resolution referred to by his noble Friend, stated, that by the order of this identical surgeon, and by his authority, from the 28th of December to the 10th of February, twenty-eight persons had received extra diet of meat, twelve had received meat and ale, and five had received meat and wine; and, that ten days before the matter referred to in discussion, this same medical officer had ordered four ounces of wine to one, and three ounces to another patient; and that during the same period, in numerous cases of out-door poor, wine, ale, and meat were given upon the undisputed order of the surgeon. These were facts or they were not, and surely it ought to be ascertained whether they were facts or not. If they should prove to be facts, they would afford a better proof of what was the practice of this union, than an order the existence of which was disputed.

Sir *R. Peel* had only one remark to make. Supposing that the guardians of the Basford union were chargeable with harshness in the case which had been mentioned this evening, or that the surgeon had been guilty of neglect, he would ask, under either supposition, with such a case before them, whether it were safe to place the administration of the Poor-laws exclusively in the hands of the guardians, free from all interference from a higher authoity. He had always approved of the existence of the board of commissioners, looking at them not only as a superintending authority over the boards of unions, but also as a tribunal to which the poor man could have recourse in case of hardship, and in neither light did he consider it safe to discontinue their wholesome influence.

Mr. *W. Duncombe* said, that the argument made use of by the right hon. Baronet would go to the establishment of the Poor-law commission, not for five years, nor for ten years, but in perpetuity. With respect to the right hon. Baronet's referrence to the supposed incompetence of boards of guardians to act on their own authority, he could only say, that there were unions under local acts, and under Gilbert's Act, over whom the commissioners had no control, and in none of which had such horrible cases of inhumanity and neglect as that laid to the charge of the Basford union ever occurred. He hoped, therefore, that no one in this House would be induced, by such arguments as those which they had just heard from the right hon. Member for Tamworth, to give their support to the continuance of the system which worked such cruelties. He believed, that the feelings of the country generally, from one end to the other, were hostile to this measure. There had been few petitions presented in favour of it; but a great number from all parts of the country against it. This evening the House had received one at the hands of the noble Lord the Member for Liverpool, coming from 50,000 petitioners, who besought the House not again to put them under the yoke of the commissioners at Somerset house. The hon. Member for Sheffield had presented a petition in favour of the bill; but if the hon. Member supposed that that petition represented the feelings of his constituents, he would be likely to find himself mistaken when he next presented himself before them at a general election. He (Mr. W. Duncombe) had opposed this measure six years ago; and he would continue to do so now. It was a measure which made poverty a crime; which incarcerated men who were guilty of no other crime but misery and distress, in gaols and dungeons; which cut asunder the dearest ties of human nature, fathers from their children, husbands from their wives; and it was a measure in his belief calculated more than any other to alienate the feelings of the people from the laws and institutions of their country, and upon these grounds he was determined to give it his strenuous and uncompromising opposition.

Mr. *Blackstone* said, that in consequence of what had fallen from the right hon. Member for Tamworth as to the boards of guardians not being to be depended upon, if freed from the control of the commissioners, he begged to state one fact which happened within his own knowledge. Some little time back a low fever broke out in the union to which he belonged; and it raged so badly, that some persons were wanted to act as nurses for the sick. The board of guardians wished to take a few old women out of the workhouse for this purpose, but it was suggested that this could not be done without first applying to the commissioners for their sanction. Accordingly the commissioners were applied to, and they refused their permission to do as proposed. He merely stated this fact in order that the House might see whether the board of guardians might not be able to administer the Poor-law better than the commissioners.

Mr. *Fielden* said that the right hon. Baronet the Member for Tamworth had eulogised the board of commissioners as a tribunal of appeal for the poor man. Now if he (Mr. Fielden) could be brought to believe that the commissioners exercised their power in favour of the poor man, and in the cause of humanity, he should almost forgive the extravagant power with which they were invested. But all experience shewed the contrary to be the case; and that the commissioners directed all their powers to increase the oppression of the poor man. He did not blame the commissioners however, but he blamed the act which authorised them, and the Parliament which passed that act. The unreformed Parliament, whatever were its faults, would never have passed such a cruel law.

Mr. *H. Hinde*, before the committee divided, begged to explain to hon. Members who might not have been in the House in the early part of this debate, that the difference between the clause in the bill and his amendment went to this: the bill went to give the commissioners a legislative power as well as a power of superintendence. His amendment would give them the power of superintendence without the power of legislation.

Lord *J. Russell* said that in his view of the amendment of the hon. Member, it would deprive the commissioners of all power of superintendence.

The Committee divided on the question that the word "every" stand part of the clause:—Ayes 225: Noes 75; Majority —150.

List of the AYES.

Acland, Sir T. D.
Acland, T. D.
Adam, Admiral
Aglionby, H. A.
Alston, R.
Antrobus, E.
Bagot, hon. W.
Bailey, J.
Baines, E.
Baldwin, C. B.
Barnard, E. G.
Bentinck, Lord G.
Berkeley, hon. H.
Berkeley, hon. C.
Bewes, T.
Blake, W. J.
Botfield, B.
Bowes, J.
Brabazon, Lord
Bramston, T. W.
Briscoe, J. I.
Broadley, H.
Brodie, W. B.
Brownrigg, S.
Bruges, W. H. L.
Byng, G.
Callaghan, D.
Campbell, Sir J.
Cantilupe, Viscount
Cavendish, hon. C.
Cavendish, hon. G. H.
Cayley, E. S.
Chichester, Sir B.
Cholmondeley, hn. H.
Chute, W. L. W.
Clay, W.
Clayton, Sir W. R.
Clive, E. B.
Clive, hon. R. H.
Compton, H. C.
Cowper, hon. W. F.
Craig, W. G.
Crawford, W.
Dalmeny, Lord
Darby, G.
Davies, Col.
Denison, W. J.
Divett, E.
Douro, Marquess of
Dugdale, W. S.
Duncan, Viscount
Dundas, C. W. D.
Dundas, F.
East, J. B.
Eastnor, Viscount
Egerton, Lord F.
Eliot, Lord
Ellice, rt. hon. E.
Evans, G.
Evans, W.
Ewart, W.
Filmer, Sir E.
Fitzalan, Lord
Fitzpatrick, J. W.
Fox, S. L.
Freemantle, Sir T.
Gisborne, T.
Gladstone, W. E.
Gladstone, J. N.
Glynne, Sir S. R.
Gordon, R.
Goulburn, rt. hon. H.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Grote, G.
Handley, H.
Harcourt, G. G.
Hawes, B.
Hawkins, J. H.
Hector, C. J.
Herbert, hon. S.
Hill, Lord A. M. C.
Hobhouse, right hon. Sir J.
Hobhouse, T. B.
Hogg, J. W.
Holmes, hon. W. A'Court
Hope, hon. C.
Horsman, E.
Hotham, Lord
Houston, G.
Howard, hn. E. G. G.
Howard, F. J.
Howard, P. H.
Howard, hn. C. W. G.
Howick, Viscount
Hume, J.
Hurt, F.
Hutt, W.
Hutton, R.
Inglis, Sir R. H.
James, W.
Jermyn, Earl
Johnstone, H.
Jones, J.
Knatchbull, rt. hn. Sir E.
Knight, H. G.
Labouchere, rt. hn. H.
Langdale, hon. C.
Lemon, Sir C.
Lennox, Lord A.
Loch, J.
Long, W.
Lushington, C.
Lushington, rt. hn. S.
Lynch, A. H.
Macaulay, rt. hn. T. B.
Manners, Lord C. S.
Marshall, W.
Marsland, H.
Marsland, T.
Martin, J.
Master, T. W.
Mildmay, P. St. J.
Miles, W.
Miles, P. W. S.
Milton, Viscount
Mordaunt, Sir J.
Morgan, O.
Morpeth, Viscount
Morris, D.
Neeld, Joseph
Neeld, John
Norreys, Lord
Norreys, Sir D. J.
O'Ferrall, R. M.
Ord, W.
Packe, C. W.
Paget, Lord A.
Parker, J.
Parker, T. A. W.
Parnell, rt. hn. Sir H.
Patten, J. W.
Pattison, J.
Peel, rt. hon. Sir R.
Philips, G. R.
Phillpots, J.
Pigot, rt. hon. D.
Pinney, W.
Plumptre, J. P.
Powell, Colonel
Price, Sir R.
Protheroe, E.
Pryme, G.
Pusey, P.
Rawdon, Col. J. D.
Rice, E. R.
Rich, H.
Rickford, W.
Roche, W.
Rolleston, L.
Round, C. G.
Rundle, J.
Rushbrooke, Colonel
Russell, Lord J.
Rutherfurd, rt. hn. A.
Salwey, Colonel
Sandon, Viscount
Sandford, E. A.
Scrope, G. P.
Seymour, Lord
Shaw, rt. hon. F.
Sheil, rt. hon. R. L.
Shirley, E. J.
Slaney, R. A.
Smith, J. A.
Smith, R. V.
Somerset, Lord G.
Somerville, Sir W. M.
Sotheron, T. E.
Staunton, Sir G. T.
Steuart, R.
Stewart, J.
Stuart, Lord J.
Stuart, W. V.
Stock, Mr. Serjeant
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Surrey, Earl of
Tancred, H. W.
Teignmouth, Lord
Thornely, T.
Tomline, G.
Trevor, hon. G. R.
Trotter, J.
Troubridge, Sir E.
Tufnell, H.
Turner, E.
Tyrrell, Sir J. T.
Verney, Sir H.
Villiers, hon. C. P.
Villiers, Viscount
Vivian, rt. hn. Sir R. H.
Waddington, H. S.
Wall, C. B.
Warburton, H.
Ward, H. G.
Welby, G. E.
Wilbraham, G.
Williams, T. P.
Wilmot, Sir J. E.
Wilshere, W.
Winnington, Sir T. E.
Winnington, H. J.
Wodehouse, E.
Wood, C.
Wood, Colonel

Wood, G. W.
Wood, B.
Worsley, Lord
Wrightson, W. B.
Wynn, rt. hon. C. W.
Wyse, T.
Yates, J. A.
Young, J.

TELLERS.
Stanley, hon. E. J.
Maule, hon. F.

List of the Noes.

Ainsworth, P.
Attwood, W.
Bailey, J., jun.
Baillie, Colonel
Bainbridge, E. T.
Bell, M.
Blackstone, W. S.
Boldero, H. G.
Bolling, W.
Broadwood, H.
Brocklehurst, J.
Brotherton, J.
Buck, L. W.
Buller, Sir J. Y.
Burr, H.
Burroughes, H. N.
Collins, W.
Copeland, Mr. Ald.
Courtenay, P.
Crewe, Sir G.
Darlington, Earl of
Dick, Q.
D'Israeli, B.
Easthope, J.
Eaton, R. J.
Egerton, W. T.
Ellis, W.
Evans, Sir De Lacy
Farnham, E. B.
Fielden, J.
Fitzroy, hon. H.
Fleetwood, Sir P. H.
Gore, O. J. R.
Goring, H. D.
Grant, Sir A. C.
Grimsditch, T.
Halford, H.
Hamilton, C. J. B.
Hawkes, T.
Hodges, T. L.
Hodgson, F.
Hollond, R.
Houldsworth, T.
Humphrey, J.
Irton, S.
Johnson, General
Leader, J. T.
Lowther, J. H.
Lygon, hon. General
Mackenzie, W. F.
Marton, G.
Miller, W. H.
Muntz, G. F.
O'Brien, W. S.
Owen, Sir J.
Palmer, R.
Palmer, G.
Parker, R. T.
Pechell, Captain
Polhill, F.
Richards, R.
Round, J.
Rushout, G.
Sanderson, R.
Scarlett, hon. J. Y.
Scholefield, J.
Sibthorp, Colonel
Smyth, Sir G. H.
Spry, Sir S. T.
Stanley, E.
Turner, W.
Vivian, J. E.
Wakley, T.
Wilbraham, hon. B.
Williams, R.

TELLERS.
Hodgson, H.
Duncombe, W.

Mr. *Rice*, on the question being again put upon the clause, moved the following amendment: "And be it enacted, that every rule, order, or regulation of the Poor-law Commissioners which shall be issued after the passing of this act, and which shall apply to the amount or description of relief to be given to the poor, or to their management in any workhouse, shall be deemed to be a general rule, subject to all the provisions relating to general rules contained in the act first herein recited: and such rule, order, or regulation shall be accompanied by the minutes or instructions of the said commissioners issued in explanation of such order, and every other rule, order, or regulation of the said commissioners, shall be deemed a particular order, notwithstanding that such rule, order, or regulation shall, at the time of issuing the same, be addressed by the said commissioners to more unions than one, or to more parishes or places than one." This amendment was intended to apply to all out-door relief, to all rules for the government of the poor in workhouses, and the admission of paupers, and to all alterations of such rules; in fact, to all orders relating to the relief of the poor, both in and out of union workhouses.

Sir *E. Knatchbull* observed, that under the Poor-law Amendment Act, the general rules issued by the commissioners must be laid before Parliament. Now, it was rather singular, that during the six or seven years those gentlemen had been in office, the number of general rules which had been laid on the Table of the House did not exceed four or five. As the safety of the public with regard to the operation of this measure very much depended upon the notoriety which the proceedings of the commissioners acquired, it was desirable that means should be taken to effect that object, more especially as some hundreds of special orders were directed to various unions of which the public heard nothing, but which, properly speaking, ought to be regarded as general rules.

Lord *J. Russell* said, it was true, that few general rules were laid upon the Table of the House, because few were made by the Poor-law Commissioners. The clause proposed was one to bring before Parliament all general rules applicable to any class of cases. He thought his hon. Friend's clause would not effect that object with certainty. He thought the amendment proposed would give rise to confusion.

Mr. *J. Jones* said, he wished the first part of his hon. Friend's clause had been more general. It was his opinion that all rules made by the Poor-law Commissioners should be under the supervision of the Secretary of State, and subject to the control of the House. It appeared to him also that the second part of the clause was contradictory to the first.

Amendment negatived.

Lord *G. Somerset* moved, at the end of clause 4, that the following words be added, "Provided always no such general rule, order, or regulation shall be of any effect, except duly signed by two at least of the said commissioners, and sealed by the common seal, and countersigned by one of her Majesty's Principal Secretaries of State."

Amendment agreed to. Clause agreed to.

House resumed, and adjourned.

HOUSE OF LORDS,

Monday, March 29, 1841.

MINUTES.] Bill. Read a third time:—Consolidated Fund. Petitions presented. By the Marquess of Ormonde, and the Marquess of Anglesea, from Merchants and Traders of Chancery-lane, and from Battersea, for the Abolition of the Tolls on the three Bridges.—By the Earl of Clare, from Carnarvon, against the Union of the Sees of Bangor and St. Asaph.—By the Earl of Rosebery, and Lord Strafford, from Path-head, and Stewartstown, against Church Patronage in Scotland.

THE EARL OF WALDEGRAVE'S CASE.] Lord *Denman* said, that the presentation of a petition relating to the administration of justice, which, with the permission of their Lordships, he intended to lay on their Table, afforded him a not unfit opportunity of taking notice of certain charges which had been brought against himself for the manner in which he had lately acted in his judicial capacity. Perhaps he need not have waited for such an opportunity. From one who owed his seat in that House solely to the situation he held as the head of the criminal justice of the country, their Lordships might expect a justification of himself from charges of a serious nature, at the earliest moment when the performance of his duties permitted his appearance among them. While, indeed, these charges were confined to anonymous writings, he did not feel it necessary to take public notice of them: but when he found that a statement was twice made as a grave reason for the adoption of a particular legislative measure,* that there had been a very scandalous proceeding on the part of a criminal judge, which, if true, would expose him to just censure; he owed it to himself, he owed it to their Lordships, and he owed it to the administration of justice, having a full and complete contradiction to the accusation, that he should give it fully and completely. In a criminal case which lately came before him, he was supposed from mean and unworthy motives, for the base purpose of screening persons in high station from punishment, to have compelled a compromise, and brought the proceedings to an end, enforcing only a pecuniary compensation, when a public example ought to have been made. Of such a charge he should certainly have ventured to think that, without strong and clear evidence of the fact, the whole history of his life would have afforded a refutation; but the statement had been so preferred, and so repeated, and at length by such high authority, that he deemed it right to bring the matter forward. It was not for the purpose of making explanations, (for none would be necessary when the truth was known) but to state the truth, which he believed would induce even those who had assailed him with most acrimony, to regret that they had permitted themselves to do so. He referred to the case of Lord Waldegrave and Mr. Gordon (for it was an idle affectation of delicacy to suppress names when the allusion is universally understood), charged with having committed an assault upon a policeman, and he (Lord Denman) was said to have directed compromise, and to have stopped the proceedings. Now, in the first place, he gave no such direction; he had no power to give any such direction. Secondly, the proceedings were not stopped; the proceedings were now going forward; and would, according to the ordinary course of practice, bring the defendants before the Court of Queen's Bench next term to receive judgment. They will be dealt with according to law, as the facts of the case, disclosed in the usual manner by affidavit, may require. He believed, that the storm of indignation which had been urged against him had arisen from the opinion that he had the power to stop these proceedings, and that he had exerted that power. This accusation was found to be untrue, being indeed impossible; but the charge only varied its shape. Similar misconduct was alleged, and the same motives imputed. For it was then asserted, that the proceedings were kept alive by the law, in spite of the judge; and the commissioners of police were praised for persevering in their prosecution, after he had suggested and recommended that it should be discontinued. His answer was, that no such suggestion had been offered, no recommendation given, no opinion expressed, or even formed, for he possessed no materials on which to form one. He had before him an accurate account of what had passed in Court, in exact conformity, he believed, with what had appeared in the *Times* newspaper of the next day. The record had been removed from an inferior court by *certiorari;* it was tried before him at *nisi prius:* he was therefore left without the least previous information; no depositions were returned to the judge in such trials. It was in his power to consult the public prints, and he might so derive particular impressions from *ex parte* statements; but he (Lord Denman) denied that he was bound to do so, or that he ought to do so: in point of fact, he was absolutely ignorant of all the circumstances of that case, and did not even know at whose instance the indictment had been preferred. But when the case was called on for trial, his learned Friend, Sir Frederick Pollock, on the part of the defendants, in asking leave to withdraw their plea of not guilty and to plead guilty, expressed on their part the most sincere regret for what had occurred, and their desire to make every possible atonement and apology. To grant the leave he prayed was entirely a matter of course, and the plea of guilty placed the case precisely where it would have been, if the trial had proceeded, and the jury had pronounced the defendants guilty. There was no doubt, that by the term "atonement," was meant pecuniary compensation; and although if the public were deeply injured, and a public example was necessary, no such atonement ought to be permitted; yet, if the offence were chiefly a private injury that could be adequately punished by a fine, it was much better that the money should go into the hands of the individual injured, than into the public treasury, where the party would receive no benefit from it: and such is the known practice of every court of justice in the kingdom, in relation to indictments for assault. His observation upon this suggestion, not originating with him, but proceeding from the defendant's council, was simply this: "At least they act right now; let their plea be withdrawn and a plea of guilty be recorded. I hope the case is of such a nature as to admit of its being settled by private reparation." It was evident that he contemplated the possibility of the case turning out on inquiry to be of such a nature that private reparation could not be accepted, because a public example might be necessary. Yet this intimation of a doubt whether private reparation could be allowed, had been tortured into an order that the prosecutor should be bought off, and the offenders screened from justice. He flattered himself that, wherever this plain statement was heard, it would relieve him, and relieve the administration of justice from one of the many attacks which certain persons had lately thought themselves justified in casting upon both. He was not ignorant how often such things had been stated in the public papers; of these it did not become him to take the slightest notice; but when he saw what was stated in one paper, copied into another, and repeated, as an admitted fact, by an hon. Member of the House of Commons, he need not say on what occasion, the character of the charge was wholly altered. When he found that distinguished person declaring, that the whole public were exclaiming against the sentence passed by Mr. Justice Erskine, of fifteen years' transportation upon a poor man convicted of an offence far less heinous than that which went unpunished in rich men before the Court of Queen's Bench, he had deemed it his duty to make his statement to the House. He thought it, indeed, extraordinary, that any man could set about a comparison of two cases, when the facts of the one had not been proved at all, and still rested in *ex parte* statements, while in the other they had been established on oath in open court, to the satisfaction of the jury. Was this the proper mode of securing the fair administration of justice, and excluding prejudice from our courts? Let it be remarked, too, that the one case was charged as a capital felony, the other as a simple misdemeanour. He could not deny that he witnessed with some indignation the readiness to suspect the ministers of the law of favour to the rich and harshness to the poor, of which this comparison is put forward as an example. He knew not whether Mr. Justice Erskine was arraigned as well as himself: if he were, no man could rely more securely on his own character and conduct for protection, for none ever applied an excellent understanding to the questions that arose before him with more scrupulous care. But, he believed, that though Mr. Justice Erskine had sentenced the poor man, he was only cited for the sake of an invidious contrast with the judge who had failed to pass sentence on the rich. And he believed, that his noble Friend (the Marquess of Normanby), would state, that in the case referred to, jealous as the people justly were, in watching all proceedings that savoured of unusual severity, there had been no appeal to the

---

* Mr. Hume's speeches in the House of Commons on Thursday the 25th, and Friday the 26th of March.

Home-office to interfere and commute the punishment. But, even supposing a much closer resemblance to appear between two cases, as reported in the public prints, what a notion it was that persons could take a sentence in one place, and a sentence in another, and apply to them a kind of foot-rule or deal with them, as if they could be worked out like sums in addition or subtraction—to say, the circumstances of one case correspond with those of another, but the penalty does not correspond, and, therefore, there is a gross disparity, and imputations must be cast on one or other judge! The course is unjust towards them, and they cannot defend themselves in the ordinary way; it is injurious to the administration of justice, which cannot be rendered odious without exciting the bitterest feelings of discontent among the mass of the people, and its direct tendency is to encourage a licentious contempt for the rules of law and morality. He abstained with great self-restraint from some other topics connected with the present subject. But he had touched on the censures lately thrown upon the supposed disproportion of sentences by those who give themselves credit not only for sounder views and better motives than the judges of the land, but also for a fuller knowledge of the facts of each particular case, and a clearer insight into all the numerous circumstances by which it is obvious that their discretion ought to be regulated. He was the more induced to do so, because, on a recent occasion, one of the most upright, humane, and learned judges, that ever graced the bench, he meant Mr. Justice Patteson, had been attacked by one of the leading papers of this capital, with the apparent object of driving him from the bench, on account of this supposed disproportion in respect to cases which he had disposed of in the Central Criminal Court. That learned judge had the kindness to call on him (Lord Denman) and explain the reasons which had guided him, which must have been entirely convincing to all men possessing any degree of candour and discrimination. And on these, also, he might observe, that no attempt was made to alter any of them by application to the Home Office, except in one instance, where the learned judge himself had seen reason to advise a mitigation. He was much obliged to their Lordships for the attention which they had been pleased to give to his statement. His only wish was, that the truth might be understood, and he trusted their Lordships and the public would be of opinion, that nothing had been done on the occasion on which so much invective had been lavished, at all unworthy of a Member of their Lordships' House, or of a judge performing his duty faithfully to his Queen and his country. The noble and learned Lord then presented a petition from certain individuals, praying, that the evidence of persons who had conscientious scruples against taking oaths, should be received in courts of justice upon their affirmation.

The Marquess of *Normanby* was happy that his noble and learned Friend had availed himself of the opportunity of explaining the circumstances of this case, but with reference to the imputations which he stated to have been thrown upon his motives, he thought the noble and learned Lord might have left it to a silent appeal to his high character to satisfy their Lordships and the public of the purity of the course which he had pursued. But he rose to say a few words as to the part taken by the commissioners of police, who had acted under his advice. He gathered, from what had fallen from his noble and learned Friend, that he himself felt that compromises of this character ought to be of rare application, and he was sure that his noble and learned Friend felt with him, that offences committed against officers charged to keep the public peace should not be compromised; and that, with respect to those doing duty in the police, it was very desirable that there should not be the slightest suspicion when they were giving evidence in a court of justice, that they would be benefitted by the turn they might give to the case, or receive anything like pecuniary compensation. Following the example of his predecessors, and acting in this matter in full accordance with the commissioners, he had discountenanced the idea of allowing compensation to the police, arising out of charges made upon them. His noble and learned Friend had referred to Mr. Justice Patteson, and from what he had seen during the short time he had been in office, he could cordially concur in all that his noble and learned Friend had said with respect to that learned judge. But with regard to one of the cases to which particular allusion had been made, he felt it right in consequence of that allusion to state, that Mr. Justice Patteson, upon a careful reconsideration of the evidence, had forwarded a recommendation to him to take her Majesty's pleasure as to a commutation of the sentence which he had originally passed. He believed that he had received that recommendation at the very time when the attack had been made; at any rate, it was carried into effect while the attacks were still in circulation.

Petition laid on the Table.

Poor-law Commission (Ireland)—Clonmel.] Their Lordships subsequently resumed the examination of witnesses on the Clonmel Case, calling before them Mr. Hawley an Assistant Poor-law Commissioner, and recalling Mr. Phelan, and then their Lordships adjourned.

* * *

HOUSE OF COMMONS,

Monday, March 29, 1841.

Minutes.] Bills. Read a second time:—Population; Grand Jury Presentments (Ireland); Collection of Rates (Dublin); Designs of Copyright.

Petitions presented. By Captain Egerton, Mr. W. Patten, Sir R. Inglis, and Mr. G. W. Hope, from Chester, Gloucester, Lancashire, Canterbury, and other places, for Church Extension.—By Mr. V. Smith, from Northampton, in favour of the Jews Declaration Bill.—By Sir De L. Evans, from St. James's, Westminster, against the Middlesex Quarter Sessions Bill.—By Mr. Green, from Lancaster, against the existing Import Duties.—By Sir E. B. Vere, and Mr. Dennison, from Suffolk, and Dorking, in favour of the New Poor-law.—By Mr. E. Tennent, and Mr. Elliot, from Down, Melrose, and Selkirk, against Lay Patronage in the Church of Scotland.—By Sir W. Follett, from Medical Practitioners of Exeter, against the mode of Appointing Medical Officers under the Poor-law Bill; and from several of the Clergymen, and Beneficed holders of Tithes in Sussex, on the subject of the Assessment of Tithes under the Parochial Assessment Act.—By Mr. T. Duncombe, from Bermondsey, in favour of the People's Charter, and for the Liberation of Mr. O'Connor.—By Mr. Lascelles, from Wakefield, against Idolatry in India.—By Mr. Hume, from Hawick, and Arbroath, for Inquiry into Socialism; from a Christian Chartist Church, for the Liberation of Hetherington; from the Tower Hamlets, for the Liberation of Robert Peddie; from Walworth, Westminster, and Wandsworth, for the Liberation of Chartists; from the Baptists of Brentford, and from Protestant Dissenters of Albany Chapel, against Church Rates; and from Perthshire, for Universal Suffrage—By Lord Stanley, from Monaghan, for Abolition of Unions; and from Lancashire, complaining of the state of the Law with regard to Irish Paupers.—By Mr, C. Lushington, from Ashburton, against Medical Reform.

Newfoundland.] Mr. *Pakington* said, he understood the noble Lord opposite gave notice, that he should to-night, on the Order of the Day being read for going into Committee on the Poor-law Bill, move that that bill take precedence of all motions on to-morrow night. He (Mr. Pakington) found no such motion on the Orders of the Day, and, therefore, he would ask what was the course of proceeding which the noble Lord proposed to adopt? He would remind the noble Lord that he had given notice of a motion for the appointment of a Select Committee, to inquire into the state of the colony of Newfoundland on to-morrow; he would, therefore, feel obliged by the noble Lord's stating the course he intended to pursue in this matter.

Lord *J. Russell* said, that he had given notice of a motion, that the Poor-law Bill should take precedence of the notices of motion for to-morrow. It seemed to him a bill of such importance—one of which the House had already discussed so many provisions—as also its general principle, that it was desirable they should go on with it in Committee for as many successive days as possible. With regard to the motion of the hon. Gentleman, if he meant to discuss it, it would certainly put him in a difficult situation with respect to the motion itself, independently of the Poor-law. He had not yet received sufficient information on the subject from the Governor of the colony of Newfoundland, and, therefore, any statement that he might make on to-morrow would be necessarily imperfect—it would, in fact, be impossible for him to state, at present, as well as he could do in three or four weeks hence, the course which the Government intended to pursue. He trusted the hon. Gentleman would not seek to embarrass the Government by pressing the consideration of his motion.

Mr. *Pakington* repeated, that he had no wish to embarrass the Government, but, if the noble Lord should press his motion, he should divide the House on the subject.

Lord *Stanley* said, the course the noble Lord proposed to take was one that bore very hardly upon individual Members. He was quite aware the noble Lord said last week that he wished to press on this bill, but on all former occasions ample notice had been given of motions to take precedence. If the question was decided in this manner, persons who brought forward these motions would be placed in an unfavourable or rather in an unfair position. The noble Lord had not placed on the votes of the House any notice upon this subject. The noble Lord had stated, that he had no objection to go into Committee of Inquiry, and if so, he asked the noble Lord, whether he thought, when an hon. Member brought forward a motion for an enquiry into the state of one of the most important colonies of the British

Empire, it should be set aside without a single word of explanation? He did not think it right to the House or to the country, or that there was any reason to justify such a course.

Lord *John Russell* said, he had no objection to the appointment of a committee, or to go into the whole question when the matter was ripe for discussion. But he thought it would be most inconvenient and unfair to the parties concerned for the hon. Gentleman to bring forward a motion on that subject at a time when his statements could not be met.

Sir *G. Clerk* objected to the course proposed by the Government with respect to the order of proceeding for to-morrow. It was a most unusual proceeding. When it was first moved that even on Mondays and Fridays the Government business should take the precedence of all other business, it was strongly objected to, as an infringement of the undoubted privilege of the House.

Lord *John Russell* believed the course which he had proposed was one which had been already pursued on special occasions with regard to important bills before the House. He remembered that on one occasion the hon. Member for Montgomery, wishing to move that the Orders of the Day should take precedence of motions, strongly advocated that view of the case. Even the hon. Gentleman opposite had not said, that it was not proper in any case to take the course which had been proposed.

Mr. *John O'Connell* complained that the hon. Gentleman proposed to introduce his motion in the absence of sufficient information. He thought the hon. Gentleman should adjourn it till he could obtain a full House and the subject be fairly discussed.

Sir *R. Peel* thought the question, whether or no his hon. Friend should proceed with his motion by a speech upon the state of Newfoundland, was quite distinct from that whether the House should supersede his notice by foregoing the order. It was, to say the least, a dangerous precedent, and should only be resorted to in cases of strong necessity. A Government with a majority might at any time take that means of getting rid of inconvenient motions; and the greater the majority, the more dangerous would be such a precedent. The noble Lord had better try and obtain the concurrence of hon. Members whose names stood on the motion paper; then there could not be any doubt upon the matter, but he did not think the House would be contented to establish a precedent so dangerous. With respect to Wednesday did the noble Lord mean to supersede all the orders that stood before the Poor-law Amendment Bill? [Lord *John Russell.*—No]. So then an hon. Member who had charge of a Legislative Enactment was to have his day, but the Member who might have a motion of the utmost importance was to be stopped by an order of the House agreed to on a Monday, and without notice. That was a motion that would establish a most dangerous principle—one that would be more dangerous the stronger a Government was, and he trusted his hon. Friend would resist it by bringing on his motion at five o'clock, and pressing it.

Subject at an end.

POOR-LAW COMMISSION.] The Order of the Day for the House to go into Committee on the Poor-law Amendment Bill having been read,

Mr. *Fielden* rose to move, that it be an instruction to the committee on the Poor-law Continuance Bill, to introduce a clause into the bill for the repeal of the Poor-law Amendment Act. The hon. Member said, that nothing but a sense of duty, and a settled conviction in his own mind, that the Act had failed either to amend the administration of relief to the poor, or to accomplish the specific effects which its promoters said it would secure, added to the fearful apprehensions he entertained of the danger of continuing this law, would have induced him to take this course. He had, from the introduction of the bill into that House in 1834, to the present time, maintained that there was no necessity for such an Act, and that what was called the abusive administration of relief to the poor under the law as it then stood, was not caused by the poor themselves, nor by any defect in the law, but was the effect of excessive taxation, of alterations from time to time in the currency, of Corn-laws to make food dear and sustain rents, of laws to repeal the tax on property, and raise the revenue by taxes on every article that ought to be largely consumed by the poor, and lastly, by the bill of 1819, which, by contracting the currency, doubled the pressure of taxation on the people, and withdrew from thousands the means which they would otherwise have had of employing the poor, and paying them wages adequate to their proper maintenance. There was not one of the causes to which he had referred, and which were all consequent on Acts of Parliament, that had not produced a necessity for the relief of the poor being administered, as to its amount, according to the wants of the poor in every one of the parishes to which they belonged. Where labour was scarce and wages low, the labourer had a right to more relief out of the provisions made for him by the Poor-law than where work could be had in plenty and was properly paid for; and those resident among the poor were the best judges of the merits of every applicant. It was absurd to attempt by a central board, sitting in London, to lay down any regulation that could operate justly towards either the poor or the rate-payer, or to carry into effect any uniform practice of administration by means of a self-acting test. The experiment had not succeeded, but the trial of it had been attended by harsh treatment, and wanton neglect of the poor, such as was disgraceful to the age. Were the Act passed and the despotic power conferred upon the commissioners by it intended to bring on us that disgrace? Unless the numerous harsh cases of treatment and neglect of the poor which had been proved before committees of that and the other House of Parliament, and the statements made in debates on this bill and former discussions in that House—unless the Act be in effect repealed or the truth of those cases and statements be denied, his question must be answered in the affirmative. Every one who had any knowledge of the real state of the poor of this country when the Act was passed, knew that such distressing consequences would result from the attempt to carry it into execution by the despotic power the Act created. Repeated predictions were made in that House, when the bill was under discussion, that the poor would be subjected to severe privation, loss of life, and all the other distressing circumstances which were now matters of history, if an attempt were made to carry out this inhuman and unjustifiable law; and repeated supplications were made to Lord Althorp on that occasion by many hon. Members, that the House should pause in its proceedings on the measure, but these supplications were without effect. Lord Althorp, on bringing in the bill, in 1834, stated that, for a long period of years, the administration of the Poor-laws had been free from the evils and abuses then connected with it, and he dated their origin at about the beginning of the present century, soon after the 36th of Geo. 3rd was passed, about the time when cash payments had been suspended at the Bank, which led to an increase of paper money, causing a rise of prices of the necessaries of life, unaccompanied by a corresponding rise of wages, and consequently great suffering among the poor, and a greater number of applications for relief. The Act of the 36th George 3rd was passed at the instance of Mr. Pitt, to ensure this relief and thereby put a stop to the complaints of distress, and it proved that the change then made in the currency was the immediate cause of an increased amount of relief being given to the poor at that period; and, as taxes and rents had gone on increasing, relief to the poor had, on every subsequent alteration of the laws he (the hon. Member) had named, been altered to suit the new state of things, which the law created. Mr. Cobbett wrote a little work, after the Poor-law Amendment Act was passed, entitled "Cobbett's Legacy to Labourers," with a dedication to the right hon. Member for Tamworth. Every one who was desirous of understanding the question of Poor-laws would do well to read this little work. In his dedication, he gave the amount of Poor-rates and of Government taxes, at different times, as follows:—

	Poor Rates.	Government Taxes.
Reign of James II.	£160,000	£1,300,000
1776	1,490,000	8,000,000
1789	2,250,000	16,000,000
1833	6,700,000	52,000,000

and he adds, "ought not the insolent calumniators of the industrious classes of England to blush at the sight of this? Ought not these impudent and unfeeling men to think a little of the consequences of their thus wantonly calumniating this laborious people, and calling them idle sturdy vagabonds? Must it not be evident to every one, that the increase of Poor-rates has arisen from the increase of rents and the increase of taxes, and not at all from any defect in the Poor-laws, nor from any defect in their administration by overseers and magistrates? How comes it that they never produced all this mass of evil attributed to them in the course of 200 years?"

If further proof be required that alterations in the currency placed the poor in new circumstances, and, either increased or diminished the necessity for more or less relief being afforded to them, we had this proof in the act of 1833, which made bank notes a legal tender at all places but the bank. The announcement of it by Lord Althorp, when he submitted his resolutions in April, 1833, gave rise to an advance of most raw materials used in manufactures, in a very short time, of nearly 50 per cent. The joint-stock banks, which till then had been cautious in their accommodations to their customers, became much less so; the other banks became more liberal too. Money increased in quantity, trade revived, agriculture also in a short time became more healthy, railways were projected, and labour became abundant, and, until 1837, when a check was given to public confidence from the hint that the Bank threw out that it must curtail its issues, poor-rates decreased in amount. To this altered state of things, produced by making bank-notes a legal tender, which led to increased issues, and afterwards to contraction, may as well be attributed the reduction in the amount of relief to the poor as to any of the cruel measures of the Poor-law Commissioners. And we now find, that what they were allowed to do without producing a general impression that it was wrong, is now followed by a general impression that what they did is so, when credit has been shaken, employment become uncertain, and wages of labour reduced, which reduction of wages has become more easy to effect by the introduction of the self-acting test; by the increased difficulty of obtaining relief which that test imposes on those really deserving of it, and who are plunged into deep distress by no fault of their own, and by circumstances they could not control. The commissioners themselves say this in their last report:—

> "The depressed condition of the manufacturing population, to which we have already adverted, and the disquietude of the public mind occasioned by the chartist riot at Newport, in Monmouthshire, rendered us extremely unwilling to take any step in the manufacturing districts of Lancashire which might have even a remote tendency to produce a disturbance, or which might be used by designing persons as a pretext for agitation."

At the period when the principle of administering relief to the poor could be best tested and shown to be good, at that period the commissioners confessed their unwillingness to carry the law into execution. Who but the commissioners could anticipate disturbance from directing that proper relief should be extended to the poor in trying circumstances, and carrying into execution what the noble Lord tells us is a humane and benevolent law? That showed not only the absurdity of a central board to lay down rules of relief, but their impotency to carry out any rule on the subject, and of the wickedness of the attempt, because of the suffering it inflicts, and of the sympathy excited by this suffering amongst the humane portion of the people of England. There was, it was true, in that House, many who professed to be liberal Members, who had expressed opinions different from his on the principle of the Poor-law Amendment Act. They admitted it was based on centralisation, and pronounced the principle to be a good one. He (Mr. Fielden) was at issue with them, and he maintained the principle to be bad. They said it was compatible with local government. He would assert that it was destructive of local government, and opposed to good government. They said that the delegation of the power to make laws to three commissioners at Somerset House was not unconstitutional; but he maintained that it was—that it was erecting a despotic power to dictate what should be done, and what should not be done, in every parish in England, with regard to the administration of relief to the poor. Who should decide? The intentions of these hon. liberal Members might be good, but he feared they had never studied the principles of good government, and he would tell them what a high authority had written on this subject of centralisation. In Jefferson's Memoirs there was this passage:—

> "It is not by the consolidation or concentration of powers, but by their distribution, that good government is effected. Were not this great country already divided into states, that division must be made, that each might do for itself what concerns itself directly, and what it can do so much better than a distant authority. Every state again is divided into counties, each to take care of what lies within its local bounds; each county again into townships or wards, to manage minuter details; and every ward into farms, to be governed each by its individual proprietor. Were we

directed from Washington when to sow and when to reap, we should soon want bread."

That was what a real liberal said was necessary to effect good government. We had this distribution of power in England; the republic of America adopted what they admired in English institutions. They adopted our poor-law, the same mode of taxing the people to provide a fund for the relief of the poor, and the administration of relief founded on the principle laid down in the 43d of Elizabeth. We had departed from that principle, and had made new divisions of the county, and given power to a central board in London to direct the administration of relief in most of the parishes of England, and what was the consequence? Those who should now administer relief being directed from London how it should be afforded, the poor are denied that relief to which they have as good a claim as the landlord to his estate, and they do not only "want bread," but they perish of hunger and of cold. Such had been the effect of the centralisation experiment. No one could deny it, and the people of England were now saying, whatever either liberal or other hon. Members might say to the contrary, that that system of centralisation shall not continue, and that local parochial government shall be restored. The people of England also said with him (Mr. Fielden), that the delegation of power to the central board at Somerset House, to make rules and regulations that are to have the effect of law, and the non-observance of them to be punished by pains and penalties, such as the Poor-law Amendment Act directs, was unconstitutional. He (Mr. Fielden) said so too. The liberal Members of that House denied it; but who was to decide the point? Sir J. Scarlett, now Lord Abinger, when the bill was before the House, said it was a tyranny that he feared the people of England would never submit to. It was called by other lawyers in the House, a coercion bill, a despotic bill, and that it conferred powers greater than were possessed by either House of Parliament. Indeed, it was admitted by almost all parties in the House, to be unconstitutional, and the exercise of these extraordinary powers was limited to a period of five years. There was, indeed, one Gentleman in the House, Mr. F. Lewis, who said, that the powers given by this bill were not unconstitutional, and he was made a commissioner. He was not so then, but, as if the office were hereditary, his son had succeeded him. Lord Wynford and Lord Lyndhurst, high authorities on the point, had stated the central board to be unconstitutional, and the latter had declared the Poor-law Amendment Act to be onl yan experiment which never could be carried out. The liberal Member for Sheffield (Mr. Ward) had told the House that the law worked well at Sheffield. Before the hon. Member made that declaration, he had received a letter from a gentleman of Sheffield, stating that a petition from that town, containing upwards of 7,000 signatures, against the continuance of the new Poor-law, had been sent to the hon. Member for North Wilts (Sir F. Burdett), for him to present to the House; and requesting him (Mr. Fielden) to support the prayer of it when presented. He had never been able to ascertain that the act worked in a manner that was satisfactory to the rate-payers and the poor in any Union whatever. He had proved the reverse to be the fact in those Unions inquired into by the Poor-law committee on which he had sat, and he believed there was not a Union to be found, to which the peremptory order of the Poor-law commissioners to deny out-door relief to the able-bodied, had been sent and acted upon, from which undeniable and overwhelming evidence might not be produced, to prove the truth of this fact, if a fair inquiry were instituted by the House. It must, therefore, be an act not entitled to respect. Lord Althorp, now Lord Spencer, and Mr. Cobbett, both stated that the administration of the Poor-law was not complained of as a grievance for a long period of years; and, that being the fact, he (Mr. Fielden) would be glad if the noble Lord, the Secretary for the colonies, or any other supporter of the act, would answer the questions put by Mr. Cobbett, and show, if they could, that the abusive administration of relief to the poor was not caused by taxes, corn laws, and alterations in the currency. The remedy that the Poor-law Amendment Act was passed to provide, was not, therefore, the right one. The act had inflicted grievous wrongs on the industrious poor. It had reduced their wages—it had raised rents, and the price of food had advanced under its operation. It had completely failed to produce the two important specific effects which the commissioners of inquiry, in their report, said would follow the application of the principle of administering relief to the indigent, which they laid down in the case of able-bodied paupers; that was to say, first a rise of wages, and, secondly, "increased content of the labourers, and diminution of crime." What was that principle? He found it in that book which, in another place, was called, the "Record of Idleness and her Sister, Guilt," but which he (Mr. Fielden) would say, was the record of the most slanderous expressions of the character of the poor of England that, up to that period, he believed, had ever been published by authority. The principle was thus stated:—

"That the condition of the paupers shall be in no case so eligible as the condition of persons of the lowest class subsisting on the fruits of their industry."

Before this had been put forth by commissioners appointed by the King, it would have been wise to have inquired what was the condition of the numerous classes of his Majesty's subjects who were pining in want, although subsisting on the fruits of their industry. It would have been well to have ascertained how many hand-loom weavers there were scattered over his Majesty's dominions, who could not earn $1\frac{1}{2}d.$ per head per day, for the maintenance of themselves, and those dependent on them for support, but who, notwithstanding, were not receiving parochial aid. It would have been well to ascertain how many labourers on the land, and at various other occupations in the country, were nearly similarly circumstanced in this respect with the hand-loom weavers, but without parish aid, and daily dying of want, before his Majesty's advisers had allowed such a principle to be promulgated by authority. Responsibility must rest somewhere, and if the new Poor-law be persevered in, the question of "who is responsible?" may be mooted, and the responsible parties may be called to an account for having given this advice. The principle had been acted on by the central board, but it had not afforded the advantages promised to the able-bodied by its adoption. No; they had been placed in a worse condition by the attempt to carry out this principle of administering relief. And here he must observe upon the cruelty of refusing relief to the able-bodied labourer, when his earnings were altogether inadequate to maintain him. The peremptory order is directed against the able-bodied—those on whom you call to fight your battles—those you require to cultivate your lands—those you require to do what none but the able-bodied can do—and yet, when his labour fails him, when his wages are altogether insufficient for his maintenance, you deny him relief, except in your prison workhouse, and, in many cases, he has been denied this, if he had work at any wages whatever. He felt disgusted with the treatment of the able-bodied labourer by the guardians acting under the commissioners. He knew none in society more deserving of sympathy than the virtuous able-bodied man, with a family to support, but whose wages, notwithstanding he endeavoured to acquire the best he could obtain honestly, were altogether inadequate for the support of himself and those dependent on him. The proposition to throw the able-bodied "on their resources," when one-half of their earnings were taken from them by taxes on their bread and every other article they consumed, was both ungenerous and unjust. But he (Mr. Fielden) had said, that the adoption of this principle of relief had failed to raise wages, and to produce increased content of the labourers, and diminution of crime. Look at the calendars, and to the charges of the judges of assize, who were almost everywhere deploring the increase of crime, and suggesting education to prevent it. It was food that the people wanted, and without that, education would not avail; and as to reduction of wages instead of a rise, he (Mr. Fielden) had proved that before a committee of that House. Many hon. Members had stated the same facts; and if the noble Lord doubted it, let him appoint a fair committee to inquire. The new Poor-law was a failure, and ought to be repealed, and one more consonant with humanity and the rights of the poor enacted in its stead. The 43rd of Elizabeth was that, and, therefore, if he were asked for a substitute, he would say, let us resort to the 43rd of Elizabeth. The noble Lord and the House might rest assured that the people of England would never be reconciled to the Poor-law Amendment Act, nor to the central board, and the self-acting workhouse test. The noble Lord would do well to look to the petitions against these measures, which had been presented in the short period of six weeks that this bill had been known. Let him look whence they came. Those petitions, up to Friday week last numbered 526, with 138,527 signatures; while on the other hand, there were, in the same time, only ten petitions with seventy-four signatures in favour of the bill. If the noble Lord doubted the influence of those petitioners over that House, let him look to the sixty-seven notices of amendments to his bill, proposed by different Members of that House. One, he saw, was to have one large and populous Union (Bolton) exempted from the Poor-law Amendment Act; another was to exempt all towns of 10,000 inhabitants from its operation. That was proposed by the noble Lord, the Member for Liverpool. The noble Lord had consented to parishes having local acts being exempted from his bill, and that showed that the constituencies of those parishes were too powerful for the noble Lord to bring under the operation of the Poor-law Amendment Act, and the bill to amend it now before the House. If the noble Lord would provide in his bill that those unions which might wish to be exempted from interference by the Poor-law Commissioners might be so, he had but little doubt that their continuance would be unnecessary. He, therefore, implored the noble Lord and the House to pause, because of the danger he apprehended from continuing the Poor-law Amendment Act on the Statute-book any longer, and from continuing to attempt further to carry out its provisions. He would now beg to move, that it be an instruction to the committee to introduce a clause into the bill to repeal the Poor-law Amendment Act.

General *Johnson* seconded the motion. He had no wish to recur to the old law, but he disapproved of the unconstitutional power with which the commissioners were invested. They had used coercion instead of conciliation. He objected to making poverty a crime, which was the case under the present law. He thought the bastardy clauses were provisions for seduction, and those clauses, at all events ought to be repealed. With respect to the powers given to the Poor-law Commissioners, he thought it was impossible that the Commissioners could issue an order to meet all cases. In a manufacturing district, if a mill stopped, 500 people might be thrown upon the parish, for it was impossible that those who were subsisting upon a mere pittance could save anything for the day of adversity. There ought to be a power given to parties who were acquainted with the local circumstances, to afford such relief as they thought proper. But objecting to the Poor-law Act as he did altogether, he should support the motion of his hon. Friend.

The House divided on the question, that the proposed instruction be given:—Ayes 9; Noes 155:—Majority 146.

List of the AYES.

Attwood, W.
Brotherton, J.
Etwall, R.
Hawkes, T.
Muntz, G. F.
Parker, R. T.
Sibthorp, Colonel
Smyth, Sir G. H.
Wakley, T.

TELLERS.

Fielden, J.
Johnson, General

List of the NOES.

Acland, Sir T. D.
A'Court, Captain
Aglionby, H. A.
Alston, R.
Bailey, J.
Baines, E.
Baker, E.
Baldwin, C. B.
Baring, hon. W. B.
Barnard, E. G.
Barrington, Viscount
Basset, J.
Bellew, R. M.
Bentinck, Lord G.
Bernal, R.
Bewes, T.
Bodkin, J. J.
Botfield, B.
Bowes, J.
Brabazon, Lord
Briscoe, J. I.
Brownrigg, S.
Buck, L. W.
Burr, H.
Burroughes, H. N.
Busfeild, W.
Canning, rt. hn. Sir S.
Cartwright, W. R.
Cavendish, hon. C.
Cavendish, hn. G. H.
Chichester, Sir B.
Clay, W.
Clerk, Sir G.
Clive, E. B.
Collier, J.
Colquhoun, J. C.
Corry, hon. H.
Cowper, hon. W. F.
Craig, W. G.
Dalmeny, Lord
Dalrymple, Sir A.
Darby, G.
Douglas, Sir C. E.
Du Pre, G.
Egerton, W. T.
Elliot, hon. J. E.
Estcourt, T.
Ewart, W.
Fazakerley, J.
Feilden, W.
Fellowes, E.
Fitzalan, Lord
Fleming, J.
Forester, hon. G.
Gaskell, J. Milnes
Gladstone, W. E.
Gladstone, J. N.
Gordon, R.
Goulburn, rt. hon. H.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Grote, G
Halford, H.
Hamilton, Lord C.
Harcourt, G. G.
Hawes, B.
Hawkins, J. H.
Hector, C. J.
Heneage, E.
Herries, rt. hn. J. C.
Hobhouse, T. B.
Hodges, T. L.
Hogg, J. W.
Holmes, hon. W. A. C.
Horsman, E.
Hotham, Lord
Houldsworth, T.
Howard, P. H.
Howard, hn. C. W. G.
Howick, Viscount
Humphery, J.
Hutt, W.
Inglis, Sir R. H.
James, W.
Jermyn, Earl
Kemble, H.
Knight, H. G.
Langdale, hon. C.

Lascelles, hon. W. S.
Lennox, Lord A.
Lushington, C.
Lushington, rt. hn. S.
Macaulay, rt. hn. T.B.
Martin, J.
Mildmay, P. St. J.
Milnes, R. M.
Molesworth, Sir W.
Morgan, O.
Morris, D.
Muskett, G. A.
Noel, hon. C. G.
Paget, F.
Palmer, G.
Parker, J.
Patten, J. W.
Pechell, Captain
Peel, rt. hon. Sir R.
Pigot, right hon. D.
Plumptre, J. P.
Pryme, G.
Pusey, P.
Rawdon, Col. J. D.
Rice, hon. E. R.
Richards, R.
Roche, W.
Rose, rt. hon. Sir G.
Round, C. G.
Rumbold, C. E.
Rushbrooke, Colonel
Russell, Lord J.
Rutherfurd, rt. hn. A.
Sandon, Viscount
Sanford, E. A.
Seymour, Lord
Shaw, rt. hon. F.
Smith, J. A.
Somerset, Lord G.
Stanley, Lord
Staunton, Sir G. T.
Stewart, J.
Strickland, Sir G.
Strutt, E
Style, Sir C.
Surrey, Earl of
Tomline, G.
Trevor, hon. G. R.
Trotter, J.
Troubridge, Sir E. T.
Tufnell, H.
Turner, E.
Tyrell, Sir J. T.
Villiers, hon. C. P.
Vivian, J. H.
Vivian, rt. hn. Sir R. H.
Waddington, H. S.
Wall, C. B.
Warburton, H.
Wilde, Sir T.
Winnington, Sir T. E.
Wood, C.
Wood, G. W.
Wood, B.
Worsley, Lord
Wynn, rt. hn. C. W.
Yates, J. A.

TELLERS.

Maule, hon. F.
Stanley, E. J.

On the question, that the Speaker do leave the Chair,

Mr. *Wakley* begged leave to call the noble Lord's attention to those provisions of the bill which related to medical assistance for the poor. It was his opinion that, in the absence of a learned Serjeant, who took much interest in that subject, they ought not to be proceeded with, at the same time, that he did not think they ought to be put off to a late hour, or to a time when the House was thin.

Lord *J. Russell* concurred with the hon. Member as to the importance of the subject, and as to the expediency of its being discussed when the House was full, and when the hon. and learned Gentleman to whom allusion had been made was present. These considerations, however, did not appear to him to offer any sufficient reasons for not then proceeding with the bill in the regular way.

Mr. *Wakley* said, he hoped that when a convenient time should arrive for discussing and amending that part of the bill no objection of a merely technical nature would be put forward.

House in Committe.

On the question that clause 6 be agreed to,

Mr. *W. Attwood*, in the absence of the hon. Member for Carmarthen, said he wished to move an alteration to the clause of which that hon. Member had given notice, in these words—" Clause 6, after the words any 'general rule,' to insert the words, 'except rules, orders, and regulations relating to the relief or maintenance of the poor.'"

The *Chairman* said, it would be now too late to propose such an amendment, for they had gone beyond line 25.

Mr. *W. Attwood* would in that case move the amendment, as a proviso, at the end of the clause.

Lord *J. Russell* said, in order to meet the difficulty he would propose the addition of the following proviso:—

> "Provided always that before any rule is issued as a particular rule in cases where a general rule has been established, a list of unions and parishes, signed by two of the commissioners and countersigned by the Secretary of State, to which such general rule may be applied, shall be entered on the books of the minutes of the Poor Law Commissioners."

It would then be laid before Parliament as a matter of course.

Mr. *W. Attwood* withdrew his amendment, and the clause proposed by Lord J. Russell was agreed to.

Mr. *Townley Parker* said, that he wished to move a proviso to the clause, but, in order to do so, it would be necessary for him, in the first instance, to move the discussion of certain words in the clause. His opinion was, that sufficient publicity was not given in the various unions to the orders and regulations of the Poor-law Commissioners. There were many unions in which the rules and regulations af the Poor-law Commissioners did not meet the public eye, and were unknown even to the board of guardians, but were shut up in the drawers of the clerks of the union. It was his intention to move this addition to the clause—

> "Provided always, and be it enacted, that the Commissioners shall be required to publish every order, rule, or regulation, which the said Commissioners shall issue after the passing of this Act, before the same shall come into operation in any union at least twice in the public newspapers circulated within the locality of the said union."

That would be a wholesome regulation,

if adopted; and therefore in order that that proviso might be added, he begged to move the ommission of certain words in the clause.

Lord *J. Russell* thought it would not be advisable that the rules should be published in the newspapers. It would be very inconvenient to do so, and would be very expensive.

Colonel *Sibthorp* was surprised that the noble Lord should object on the ground of expense. He regretted to say that there was a great deal of expense uselessly inflicted on the country—the salaries of the noble Lord and hon. Gentlemen opposite, for instance. He thought it would be satisfactory that publicity should be given to the orders of the Commissioners, and he knew of no better channel through which it could be made than the county newspaper.

Mr. *Fox Maule* thought the clause was one entirely of a humane nature. Suppose it should be desirable to relax a stringent rule by leaving out the words now proposed to be left out, they would be deprived of all power of relaxing the rule, and, if the advertisement in the county papers were insisted on, such relaxation could not take place for fourteen days.

Amendment withdrawn.

Clause agreed to.

On clause 8, providing that the sending of the commissioners' rules, &c., need not be proved in civil or criminal cases, unless notice was given that such proof would be required, being read,

Lord *G. Somerset* moved to leave out the words "or criminal," in order to prevent the enactment of the clause applying to criminal cases.

The *Attorney-General* defended the clause. A party had only to require proof of the sending of the rules, and then the *onus probandi* fell upon the commissioners.

The Committee divided on the question that the words "or criminal" stand part of the clause; Ayes 77; Noes 58: Majority 19.

List of the AYES.

Acland, Sir T. D.
Ainsworth, P.
Baring, rt. hon. F. T.
Baring hon. W. B.
Barnard, E. G.
Bassett, J.
Bewes, T.
Bodkin, J. J.
Briscoe, J. I.
Brodie, W. B.
Busfeild, W.
Campbell, Sir J.
Cavendish, hn. G. H.
Chichester, Sir B.
Clay, W.
Coote, Sir C. H.
Courtenay, P.
Davies, Colonel
Easthope, J.
Evans, W.
Fazakerley, J. N.
Fitzalan, Lord
Grey, rt. hn. Sir C.
Grey, rt. hn. Sir G.
Grote, G.
Hawes, B.
Hawkins, J. H.
Hobhouse, T. B.
Hodges, T. L.
Howard, P. H.
Howick, Viscount
Humphery, J.
James, W.
Langdale, hon. C.
Lemon, Sir C.
Loch, J.
Lushington, rt. hn. S.
Mildmay, P. St. J.
Morpeth, Viscount
Morris, D.
Muntz, G. F.
O,Brien. W. S.
O'Ferrall, R. M.
Paget, Lord A.
Parker, J.
Parnell, rt. hn. Sir H.
Philips, G. R.
Pigot, rt. hon. D.
Plumptre, J. P.
Protheroe, E.
Pryme, G.
Pusey, P.
Rice, E. R.
Rickford, W.
Round, C. G.
Russell, Lord J.
Rutherford, rt. hn. A.
Salwey, Colonel
Shaw, rt. hon. F,
Staunton, Sir G. T.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Tancred, H. W.
Thornley, T.
Troubridge, Sir E. T.
Turner, E.
Verney, Sir H.
Villiers, hon. C. P.
Vivian,rt. hn. Sir R. H.
Wakley, T.
Warburton, H.
Wilde, Sir T.
Wood, C.
Wood, G. W.
Wood, B.
Yates, J. A.

TELLERS.

Maule, hon. F.
Parker, R.

List of the NOES.

Aglionby, H. A.
Attwood, W.
Bailey, J.
Baillie, Colonel
Bolling, W.
Brownrigg, S.
Bruges, W. H. L.
Buck, L. W.
Burroughes, H. N.
Chute, W. L. W.
Collins, W.
Compton, H, C.
Crewe, Sir G.
Dalrymple, Sir A.
Darby, G.
Duncombe, T.
Egerton, W. T.
Fielden, J.
Fellowes, E.
Fitzroy, hon. H.
Fleetwood, Sir P. H.
Fleming, J.
Freshfield, J. W.
Gaskell, J. M.
Glynne, Sir S. R.
Goring, H. D.
Grant, Sir A. C.
Halford, H.
Hector, C. J.
Heneage, G. W.
Holland, R.
Hotham, Lord
Irton, S.
Johnson, General
Kemble, H.
Maunsell, T. P.
Mordaunt, Sir J.
Morgan, O.
Palmer, G.
Pechell, Captain
Round, J.
Rushbrooke, Cole
Sibthorp, Colonel
Smyth, Sir G. H.
Somerset, Lord G
Teignmouth, Lord
Trevor, hon. G. R.
Trotter, J.
Turner, W.
Tyrell, Sir J. T.
Vere, Sir C. B.
Vivian, J. E.
Walker, R.
Williams, W.
Wilmot, Sir J. E.
Wodehouse, E.
Wood, Colonel
Wynn, rt. hon. C. W.

TELLERS.

Grimsditch, T.
Parker, R.

On the clause being again put,

Lord *G. Somerset* said the words of the latter part of the clause (the effect of which is to make defendants in criminal or civil actions, arising from neglect or infringement of the rules of the commissioners, pay the expenses of witnesses to prove that such rules of the commissioners were sent, if they required such proof, and it was made out to the satisfaction of the court) might act with great hardship, as, though the rules might be proved to be sent, the defendants might never have received or seen them, and the fear of incurring the expense of the witnesses would operate effectually in preventing them requiring this proof. He would not, however, divide the Committee on this point.

Mr. *J. Jones* proposed to add the words, "in any civil case."

The Committee divided upon the question that the words be added; Ayes 64; Noes 88: Majority 24.

List of the AYES.

Acland, T. D.
Antrobus, E.
Baldwin, C. B.
Bradshaw, J.
Broadley, H.
Broadwood, H.
Brocklehurst, J.
Brownrigg, S.
Bruges, W. H. L.
Buck, L. W.
Burroughes, H. N
Cholmondeley, hn. H.
Chute, W. L. W.
Collins, W.
Compton, H. C.
Courtenay, P.
Crewe, Sir G.
Dalrymple, Sir A.
Douro, Marquess of
Duncombe, T.
Duncombe, hon. W.
Fielden, J.
Fellowes, E.
Fitzroy, hon. H.
Fleming, J.
Follett, Sir W.
Freshfield, J. W.
Gaskell, J. M.
Glynne, Sir S. R.
Goring, H. D.
Goulburn, rt. hon. H.
Grant, Sir A. C.
Grimsditch, T.
Halford, H.
Hector, C. J.
Hodgson, F.
Hollond, R.
Hotham, Lord
Irton, S.
Johnson, General
Kemble, H.
Maunsell, T. P.
Mordaunt, Sir J.
Morgan, O.
Owen, Sir J.
Palmer, G.
Parker, R. T.
Round, J.
Rushbrooke, Colonel
Sibthorp, Colonel
Smith, A.
Smyth, Sir G. H.
Somerset, Lord G.
Spry, Sir S. T.
Teignmouth, Lord
Trevor, hon. G. R.
Trotter, J.
Tyrell, Sir J. T.
Vere, Sir C. B.
Vivian, J. E.
Williams, W.
Wodehouse, E.
Wood, Colonel
Wynn, rt. hon. C. W.

TELLERS.

Jones, J.
Attwood, W.

List of the NOES.

Aglionby, H. A.
Ainsworth, P.
Bannerman, A.
Baring, rt. hon. F. T.
Baring, hon. W. B.
Barnard, E. G.
Bodkin, J. J.
Briscoe, J. I.
Brodie, W. B.
Brotherto , J.
Buller, E.
Busfeild, W.
Campbell, Sir J.
Cavendish, hn. G. H.
Chichester, Sir B.
Clay, W.
Crawford, W.
Dalmeny, Lord
Davies, Colonel
Divett, E.
Easthope, J.
Evans, G.
Evans, W.
Fazakerley, J. N.
Fitzalan, Lord
Gordon, R.
Grey, rt. hon. Sir G.
Grote, G.
Hawes, B.
Hawkins, J. H.
Hill, Lord A. M. C.
Hodges, T. L.
Horsman, E.
Howard, hn. E. G. G.
Howard, P. H.
Hutton, R.
James, W.
Labouchere, rt. hn. H.
Langdale, hon. C.
Lascelles, hn. W. S.
Lemon, Sir C.
Loch, J.
Lushington, rt. hn. S.
Macaulay, rt. hn. T. B.
Marshall, W.
Morpeth, Viscount
O'Brien, W. S.
O'Ferrall, R. M.
Paget, Lord A.
Parnell rt. hn. Sir H.
Pechell, Captain
Philips, G. R.
Pigot, rt. hon. D.
Plumptre, J. P.
Pusey, P.
Rice, E. R.
Rickford, W.
Round, C. G.
Russell, Lord J.
Rutherford, rt. hn. A.
Salwey, Colonel
Scrope, G. P.
Seymour, Lord
Shaw, rt. hon. F.
Smith, R. V.
Staunton, Sir G. T.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Tancred, H. W.
Thornley, T.
Troubridge, Sir E. T
Turner, W.
Verney, Sir H.
Villiers, hon. C. P.
Vivian, rt. hn. Sir. R. H.
Wakley, T.
Walker, R.
Wall, C. B.
Warburton, H.
Wilshere, W.
Wood, C.
Wood, G. W.
Wood, Colonel T.
Wood, B.
Wrightson, W. B.
Yates, J. A.
Young, J.

TELLERS.

Maule, hon. F.
Parker, J.

Clause 8 agreed to.

Clause 9 was postponed.

On clause 10, relating to the management of insane and infant poor,

Colonel *Wood* moved an amendment, to except counties in which lunatic asylums were established for the reception of pauper lunatics. His object was to induce counties to unite together for the erection of receptacles for the insane poor, so as to separate them from the infant poor. He would, however, except those which had already expended large sums of money in the erection of lunatic asylums.

Mr. *Williams Wynn* was opposed to the keeping of lunatic paupers in parochial workhouses. He thought that part of the clause respecting the treatment of pauper lunatics should be expunged, and that so important a subject should be introduced in a separate bill. If the noble Lord would agree to do so, he might rely upon all the assistance which an experience of thirty-two years enabled him to give. He preferred county lunatic asylums, as being more economical than parish receptacles, and also as more likely to afford scientific treatment to the inmates than they would be likely to receive, if exclusively under the management of the boards of guardians, who, even in the medical department, had got into the habit of giving their patients to the doctor who sent in the cheapest tender. The boards of management for county lunatics ought to be distinct from those of the schools for children, and the other departments of the workhouses. He thought the boards for each county might be best chosen from the magistrates at quarter sessions. There ought to be a clause introduced, which should compel small counties to unite for the purpose of erecting common lunatic asylums, and then the boards of magistrates for these might be selected from the magistrates of the constituent counties. He trusted he had said enough to induce the noble Lord to withdraw that part of the clause, and reserve it as a subject of a separate bill.

Lord *J. Russell* consented to the amendment. The present clause had been framed in order to remedy the great evil which previously existed, of allowing paupers, whose condition required their separation from the others, to remain in the workhouses. He had no objection, if a better plan could be suggested, to fall in with it.

Lord *Ashley* (in supporting the amendment) said, that this was a part of the subject well deserving the attention of the House. He could speak from experience, having been chairman of the board, to the beneficial effects resulting from the operation of the 3d and 4th William 4th. He hoped that the noble Lord would see the propriety of framing a substantive motion on the subject of lunatics in general.

Lord *G. Somerset* hoped that the noble Lord, in considering the condition of the insane poor, would not omit the consideration of the case of criminal lunatics.

Amendment agreed to.

Mr. *B. Wood* then moved as an amendment, that after the word "fit," in the fourth line, should be inserted the words "with the consent of the majority of the board of guardians of such union." At present, as the clause stood, the commissioners could, compulsorily, unite several unions under one board of management, for the purpose of building or hiring one common school for the education of paupers' children; but he thought as the boards of guardians had the control of the rates, that they ought to be charged with the responsibility of forming these boards of management, at least to the extent that their consent should be previously obtained; and he saw but little fear that the majority of a board of guardians would withhold their assent to a measure having so beneficial an object as the proper education of these pauper children.

Lord *J. Russell* objected to the amendment, because it gave to the boards of guardians an initiative; and he feared, had they, in the first instance, required the assent of the vestries to the formation of unions, instead of leaving that to the commissioners, very few unions would have been formed at all under this bill, although, after the unions had been formed, the vestries, generally speaking, showed great zeal in carrying into effect the provisions of the bill. The hon. Gentleman, he thought, had lost sight, too, of the latter part of the clause, which provided that no funds should be raised for the purpose of carrying out this object, without a majority of four-fifths of the boards of guardians of the respective unions or parishes thus united, and which would give to the guardians all the control that the hon. Member desired. As to the expense, it was considered that the proposed plan would be more economical, and probably the House, in its annual grant for legislation, might not consider it unfitting to devote a portion of such grant in aid of this object.

Mr. *Hodges* objected to the clause in consequence of the expense to which it would give rise, and because he conceived that under the present system, pauper children were already supplied with the means of instruction. He would support the amendment.

Mr. *Grote* regretted exceedingly that it was not the case, as the hon. Member stated that pauper children were already provided with instruction. No adequate provision had been made by boards of guardians for the proper training and education of children, as was proved by the evidence before the House, and by Dr. Key's report. Nor could they be properly educated in these workhouses. There were from 35,000 to 45,000 children distributed throughout the different union and parish workhouses—twenty, perhaps, in one house, thirty in another, and so on. How could adequate arrangements be made for teaching them in such small detachments? How much better for several parishes or unions to combine together their 200 or 300 children in one school, away from the contaminating example of the workhouse, and where they could be properly trained, not to mere book-learning, but to the formation of those industrial habits which could alone make them useful members of society. He found the strongest confirmation of this view in the results of Mr. Aubyn's institution at Norwood, where the pauper children of the metropolis were educated. He trusted the House would not be induced to modify this clause, so as to deprive it of the beneficial effects which there was no doubt would result from it in its present shape. Though the commissioners were allowed to create boards of management, without the consent of the boards of guardians, yet those boards of management could not go to any expense for the purposes of this clause, without the consent of four-fifths of the boards of guardians of the various unions. He therefore would oppose the amendment of his hon. Friend, conceiving that the clause, as it stood, gave as much power to the guardians as they ought to have.

Mr. *Goulburn* doubted much the propriety of generally adopting, in the unions throughout the country, that system which the hon. Member for London seemed to think worked so efficiently at Norwood. Upon the success of that system the hon. Member grounded his support of this clause; but it did not follow that what was good for the metropolis must be also good for the agricultural districts. His experience of the Poor-law was derived from its operation in the country unions, and his conviction was, that the system proposed by this clause, would not produce those beneficial effects which the framers of it had in view. According to the definition laid down in the bill of the infant poor, every person under the age of sixteen, might, at the option of the commissioners, be transferred to this school. It was not likely that the commissioners would extend this clause to the whole of that class of persons, but apply it only to a limited number. The result of that would be, that the reduced number remaining in the workhouse, would, in order to afford a better education to the selected portion, be left without any, or, at least, a still worse education than they had at present, it being asserted, that in proportion as the number of pauper children was diminished, so was the efficiency of the instruction. He owned that he felt considerable objection to the compulsory removal of the children of a particular union, to a great distance from that union. He felt that they were thereby removed from all those connexions of locality, relationship, and friendship. which he maintained it was essential and highly beneficial to keep up. They might educate and improve the minds of those children, but of how little benefit would that be to them, if when turned abroad upon society, they had lost all those connexions. He might be told that the system would be applied only, or principally, to illegitimate children. But if hon. Gentlemen supposed, that in such cases there existed no parental attachments, or no such connexions as those to which he had just alluded, they were grievously mistaken. As regarded orphans, the same objection might be raised, as they frequently had brothers and sisters, friends, and in all instances neighbours, whose kindly feelings towards them it was desirable to promote, instead of destroying them by a total separation. The religious instruction of the pauper children was at present more adequately afforded than it was likely to be under the proposed system. Where there was no chaplain to the workhouse it was visited by the clergyman of the parish to which the union belonged, who imparted religious instruction to its inmates. By this clause, however, it was proposed to send the children away, and completely separate them from those who were their natural instructors. For these reasons he felt strong objections to the proposed arrangement.

Mr. *Hawes* said, the fact stared them in the face, that thousands and thousands of pauper children were wholly without proper educational instruction. [*No, no!*] He said yes, for in the workhouse at present it was impossible there could exist the classification, the necessary attention to the proper training of those children in combination with the other arrangements of those houses. As to the objection respecting the compulsory removal of children, he must remind hon. Members, that many parishes in London had already, by their special acts, the power of establishing schools at a distance, and they generally placed the infant poor at a distance from town, in a house appropriated to them. Was it not, moreover, the fact, that hon. Members sent away their own children? He did not see wherein consisted the difference between central schools for pauper children of distant parishes, and great public schools, to which the children of wealthy parents were sent from still greater distances. In point of expense, the proposed system would be more economical as well as more efficient than the present sytem; and so far from the right hon. Gentleman opposite having anything to dread on the score of the subsequent employment of such children, it was a fact, that Mr. Aubin had more applications for the services of the children instructed at Norwood than he could supply. Now, what a remarkable contrast did this present to the state of things under the old system, when pauper children were never taken into employment but with the greatest reluctance! As to the spiritual instruction which an hon. Member had said was given to the paupers by the clergy of the Established Church, it was pretty generally known that the clergy should be paid well for everything they did. The separation of the children from the parents had been much dwelt on, but were not the higher classes of society in the habit of separating themselves from their children, in order to have them well instructed? And what was the difference of the system proposed by the bill? In the largest establishments an excellent education would be given the children. He would instance the good effects that had been produced by the establishment at Norwood. That establishment, which from the first had been a superior one, was daily improving; and as the advantages of its system were becoming more generally known, the children educated therein got a preference from masters and others in want of servants. The education that was given in that institution was not inferior in many respects to that given in many of the public schools where the higher classes sent their children.

Colonel *Wood* said, that the hon. Gentleman who had just sat down asked what difference there would be between the schools now proposed to be established for pauper children and the public schools of this country. He would beg to observe, that there was this very great distinction between the two cases: that the youths at public schools had parents to whom they went for the holidays, and who took care on those occasions to look to their moral feelings, and to encourage their natural affections. Though the hon. Member seemed to sneer at public schools, he could only say that he did not know any course of education, or any association, more likely to promote a man's views and interests, in any profession or calling in life, than that to be obtained at any one of our public schools. The hon. Gentleman had complained of the miserable treatment of pauper children in workhouses, and that there was no provision made for their education. If the fact were so, he could only say, that it was the fault of the commissioners not to have made the necessary provision for that purpose, as there had not been a workhouse built since the establishment of that body, the plan of which had not been previously submitted to the commissioners for their approval. He agreed with his right hon. Friend, that in many instances the congregating together of large masses of children, drawn from surrounding agricultural unions at a great distance from one another, would be a matter of great detriment to themselves, by breaking up all those ties which they might be supposed to have, and which must be of more or less importance to them.

Sir *C. Lemon* supported the clause. He felt confident that, under proper management, the union establishments would serve as model schools, and tend very much to raise the character of the parochial seminaries throughout the country. In the union, of which he was chairman, he had seen a partial application of the principle, and the result of his experience was, that it was highly advantageous to the poor.

Lord *Stanley* thought the committee were discussing somewhat prematurely the technical arrangement of this clause, notice having been given of various other amendments, the determination of which must very much affect the judgment ultimately to be pronounced upon it. He begged to call the attention of hon. Gentlemen to the very great alterations which had been made in the clause since it had first been proposed to Parliament. At first it was proposed to unite certain unions into districts, for the purpose of managing "infirm, insane, and infant poor." There was hardly a class of persons who might not be comprised under these denominations, and who were to be carried a great distance from home to some overgrown establishment, composed of unions much too extensive already. But what had been struck out? According to the explanation of noble Lord, the "infirm" were not the aged poor, but only those who had some permanent bodily infirmity; and that class had already been disposed of. The word "infirm" had been struck out. Then "insane" had also been struck out; and they were now discussing, whether, under certain limitations, hereafter to be fixed, there should be district establishments for the management of the "infant" poor. That was not all. His noble Friend (Lord G. Somerset) had given notice of an amendment, which would materially limit even the class of infant poor to be provided for under this clause. The provision proposed under this clause had been compared with the system at public schools. One broad and most material difference had been pointed out by his hon. Friend (Colonel Wood), namely, that the former had a tendency to break through family ties and affections, while the latter afforded the means of maintaining and cherishing them. But there was another distinction, which had not been adverted to—the one was a voluntary process, the other was compulsory. The rich man might send his child to a public school, and bring him back when he pleased; but here the Legislature was taking charge of the poor man's family, giving a superior education he admitted, but still controlling his natural affections, obliging him to surrender or burst asunder those natural ties he wished to maintain unbroken. Now, his noble Friend (Lord G. Somerset) proposed to limit the clause to cases of orphans, illegitimate children, deserted children, and children whose parents or guardians consented to their removal; and subject to such limitations, the clause would be comparatively unobjectionable. It might be that ninety-nine out of 100 parents would give their consent, in order to secure a better education for their children, and he would not grudge it them; but he believed that even the advantage of a superior education would be counterbalanced by the disruption of social and domestic ties. He laid great stress on the obligation they would impose on virtuous parents, reduced by necessity alone to choose whether they would prefer for their children an inferior education in their own presence, or a superior education away from all natural ties. He believed that the education which they would receive in those combined district school-houses would be superior to that obtained in the separate workhouses. He admitted, moreover, though he had not the advantage of having seen it—that the school at Norwood was entitled to the credit which the statements made that night claimed for it: he was willing to believe that the persons educated there advanced in life more easily, that they were more readily taken as servants, trusted at an earlier age, and that the disadvantages of early life, or, he should rather say, of their birth, were counterbalanced by the moral, religious, and intellectual education which they obtained at that school. It naturally followed, that by inserting this amendment you bestowed the advantages of a similar education on those who were essentially and emphatically the children of the State—those who had no parents living, those whose parents abandoned them, those whose parents consented to their removal, and those whose parents had no legitimate claim to control their education. And here, he must say, he did not admit the claim of the mother of an illegitimate child to have her child not only maintained by the State, but educated under her superintendence. He felt all compassion and sorrow for a person in so unfortunate a situation; but he could not place her on the same footing with a virtuous mother, who was driven with her child to the workhouse through poverty and destitution, but who was not guilty of any offence which should subject her to degradation. Therefore, confined to the classes he had mentioned, he should rejoice to see establishments formed which would supply a superior education to a class of persons who stood in need of every extraneous aid which the State could supply. He would suggest to the hon. Gentleman who proposed that a majority of each board of guardians should be necessary to the establishment of these schools, that he should permit the other motions relative to this clause to be first disposed of, and if he did not think a sufficient guarantee was thereby taken for securing his object, then to submit his proviso. He next adverted to the proposal of his hon. Friend the Member for Kilmarnock, that a clergyman of the Church of England should be attached to each of these schools. It was impossible not to remark the implied censure of the clergy of the Established Church by the hon. Member for Lambeth, who referred to their non-attendance at the workhouse schools; and the hon. Member must excuse him (Lord Stanley) if he reminded him that the school at Norwood was directly and avowedly under the control of a clergyman of the Church of England, and that the pupils were brought up under the discipline of the Church. He did not say—God forbid he should—that Dissenters should be excluded from an education based on their own tenets; but this he did say, that here they were about to provide for foundlings, orphans, abandoned and destitute children; they were about to make them the children of the State, and it followed as a natural and necessary consequence that those children should be placed under the superintendence of the Church of the State. With these limitations, first, as to the class of persons who should receive this education, and next, as to its being a religious one under the control of the Church, he should give his support to the clause, as affording a better education than could be received at the local schools, and as overcoming those disadvantages which the unfortunate circumstances of birth and infancy had entailed.

Mr. *B. Wood* said, that the board of commissioners were to have a power to appoint a board of management in these districts. Conceiving his amendment to be a proper one it was his intention to press it to a division.

Lord *John Russell* said, that his hon. Friend was right in thinking that some measures might be taken by the board of management without the authority of the board of guardians; but the board of management could not go far without incurring some new expense, and then the board of guardians would necessarily have it in their power to object to anything that might be attempted of which they did not approve. A great deal of discussion upon the general principles of the bill had taken place, and he was therefore compelled now to advert to them. For, whatever amendments of this clause he might be disposed to assent to, for the sake of introducing any great improvement, he must state the general principles upon which the House should proceed to legislate. When paupers asked the assistance of the State, when their children were maintained by the State, he thought they had no right to refuse the State the power of giving their children a good and a religious education. What was the condition of pauper children generally when they entered the union workhouses? It appeared from the reports of the commissioners upon this subject, that in the Isle of Thanet union they were "dirty in their persons and habits, and given to lying, swearing, and theft, and were either utterly ignorant, or had been very imperfectly instructed." The same description was given of the children of other unions. If such then was the condition of the children when they came to the State for food and shelter, was it not fair to say that the State had a right to bring them up good subjects? Was it too much for the State to say, "We will endeavour to make them Christians?" But it would strike at the very foundation of this argument to affirm that the parents might object to the education proposed to be given, because then, the system of instruction would be controlled, not by the State, but by the parents. How were the children hitherto educated? They were brought up at the workhouse schools, where, according to the evidence of the Poor-law Commissioners, the school-masters were sometimes competent, but often wholly unfit for their duty. What he contended for then was, first, that finding the children without any education at all, the State had a right to teach them religion and moral duty; and, in the second place, that if they had received a very imperfect kind of education, the State was entitled to give them a better. He thought there could be no rational objection to that principle, because it was so manifestly the duty of the State to carry it into execution, and it was so beneficial to the children, as was proved in the operations of the school at Norwood, enabling them in a few years to obtain good situations to their own advantage and that of the community generally. He did not think any of the objections which had been stated should stand in the way of such a system. That respecting the maintenance of the ties of relationship was a very plausible one; but in very many cases the society of the parents of pauper children and the example of the relatives were calculated only to lead them into the practice of vicious habits. Yet, with respect to the suggestion of the noble Lord the Member for North Lancashire, who would draw a distinction between legitimate and illegitimate pauper children, even if it met with more general support in the House than it apparently did, he could not consent to adopt it, because the effect would operate injuriously towards vast numbers of children, particularly in such counties as Kent, Norfolk, Suffolk, and other agricultural districts. The hon. Member for Kilmarnock had said that a clergyman must be attached to each school. It would certainly be advantageous to the establishment to have a clergyman so attached, but he could not help saying that with regard to what had already been done—namely, the attaching of chaplains to workhouses, there was on the part of those who dissented from the Church of England a feeling of dissatisfaction that an additional burthen had been thrown upon them for the support of the established Church, and he must confess that there was a good deal of reason in the allegation that there ought not to be any additional weight imposed upon the people generally for the maintenance of the establishment. The enforcement of such a proposition would cause not only great discontent and opposition amongst Dissenters generally, but in those districts where the boards of guardians might be composed of Dissenters, or contain a majority of Dissenters it would be resisted.

Mr. *Goulburn* thought the argument which the noble Lord used against the proposition of the hon. Member for Kilmarnock would be just as forcible applied to any religious teacher whatever. It would seem, then, that the noble Lord intended those schools to be places for secular instruction only.

Lord *John Russell* explained. All he had said was, that the appointment of chaplains to the schools would make the Dissenters feel the poor-rate an additional rate paid by them in support of the clergy of the establishment.

Mr. *Goulburn* did not think the point had been sufficiently explained. What his hon. Friend had stated was, that in unions of limited extent it was practical for the clergyman of the neighbouring parish to attend at the workhouse for the purpose of superintending the education of the children; and he knew from experience in the union with which he was connected, that such a thing was practicable. But if the children were taken in large numbers out of extensive counties, such as Huntingdonshire and Cambridgeshire, and congregated in these central schools, no clergyman could be expected to take upon himself the heavy duty of superintending their religious education. The noble Lord, however, would leave their religious instruction to the chance interposition of any benevolent individual residing near the school.

Mr. *Colquhoun* said, the noble Lord had raised a doubt upon a point of which the commissioners had already disposed. Those gentlemen, and Dr. Kay with them, had officially reported that not only had they never heard of such a thing as opposition to chaplains for the schools, but they distinctly stated, that no complaint had been made against such an arrangement. In order to obviate any doubt, they had thus spoken—

> "We recommend an enactment for the purpose of authorizing the commissioners to direct boards of guardians to appoint chaplains of the Church of England."

Was it possible to conceive that the commissioners would have recommended such a course, if the Dissenters or the public felt it to be a grievance? Dr. Kay, in the report on the training of pauper children, said—

> "The difficulties arising from differences of religious creeds are scarcely even incidentally found to operate, and the means adopted for affording the children religious instruction are fortunately obtaining universal acquiescence."

But what were the means? Dr. Kay had himself reported, and the commissioners had enjoined them. Dr. Kay, speaking of that establishment which had been the subject of so much encomium with the hon. Member for Lambeth, said—

"The object of primary importance is the appointment of a chaplain."

A chaplain had already been attached to the school at Norwood; and not only were the hours particularly named when special religious instruction was to be given, but the commissioners enjoined upon the chaplain the duty of superintending the whole establishment, and of taking the religious training of the children entirely into his own hands. In the instructions to the chaplain were these emphatic words—

"The secular instruction and moral and industrious training of the children are designed to counteract their vicious tendencies, and such practical lessons will pervade that secular instruction and moral training as will aim at that object; but the sanctions of religion are to be at the foundation of their instruction, and the claims and duties of religion are to be carefully enforced."

The commissioners also invited the chaplain to direct his attention to the children during the hours allotted to secular tuition, being anxious that he should have an opportunity of becoming acquainted with their moral habits, and their wants and susceptibilities. If, then, the example of Norwood was to be imitated, a pious and active chaplain of the Established Church must be placed over each central school. The hon. Member for Lambeth, who did not seem to have much respect for the clergy of the Church of England, had gone out of his way to break a lance with them; but a more feeble, broken, and rotten weapon had never been raised against that respectable body. Had the hon. Member read the report of Mr. Tuffnel, the assistant-commissioner? Mr. Tuffnel said:—

"The chaplain, in many cases, discharges the duties of a schoolmaster, gratuitously and most efficiently."

Another assistant-commissioner had used language which it would have been well if the hon. Member for Lambeth had read before he ventured to attack the clergy:—

"Their valuable assistance in the schools I take pleasure to acknowledge, inasmuch as in some unions they have almost supplied the place of good masters, and in only two instances has there been any opposition to them."

Mr. Twisleton, another assistant-commissioner, expressed himself thus:—

"In the rural unions of this district, it fortunately happens that religious dissensions are almost unknown, and religious scruples have only, on very rare occasions, been the cause or the pretext for throwing impediments in the way of education. Hence the chaplains in the majority of the unions give their valuable assistance in the improvement of the schools; a fact which I take the greater pleasure in acknowledging, inasmuch as, in some unions, they have almost supplied the place of a good schoolmaster, and it has only been in two instances that the slightest opposition has been experienced from that quarter."

If the noble Lord would insist upon tearing away the children from their parents, and breaking al ltheir natural ties of affection, it would then be necessary to place them under the eye and the teaching of a minister of religion, whose pastoral superintendence should supply the lack of parental care; and if these schools were, hereafter, to be looked upon as models of education, for the sake of common sense, of common justice, and of common honesty, as long as a national establishment remained, let them not present the monstrous anomaly of hosts of children crowded together within their walls receiving secular instruction only, without the inculcation of any religious principles.

Mr. *Slaney* said, there could be no doubt of the immense importance of the subject. These children were and would be often the offspring of guilt and crime; yet no fault attached to them, therefore, even if it was a question of expense, it was their duty to incur it. But he should be able to prove that by being liberal in their education, they would, in fact, be saving the money of the nation, for those poor infants who were in darkness, would be brought to light, and prevented from costing the country expense for their punishment as criminals. In unions, there were not enough of children to provide a good schoolmaster—the guardians would not go to the expense. Besides, in the union workhouse, there was an impossibility of giving them that industrial education which would make them such servants as masters and mistresses desired to have. In proof of the old system having been a failure, in the unions of Norfolk and Suffolk, the cost of giving premiums along with these poor children was 40,000*l.*, and the masters were of a low character and description, who, in place of taking them with the intention of taking care of them, their only object was to get quit of them as soon as possible in order to enjoy the premium. Even then, on the score of economy, they ought to adopt the new system, for the children had been so much improved in both morals and bodily health, that masters and mistresses were anxious now to take them at thirteen years of age without any premium. It was true that some change for the better had taken place, but the existing system of training was still very faulty, and it should be the earnest endeavour of the House to bring it to a sounder state.

Sir *R. Peel* said, that though the amendment of the hon. Gentleman was one of a strictly practical nature, the course which the discussion had taken had brought before the House great principles which were involved in the consideration of the subject. As that course had been pursued, it might perhaps conduce to the general convenience of the House, and even tend to shorten the discussion, if it were not now to be departed from. From a very careful perusal of that most important and interesting document, the report on the training of pauper children, he had come to the conclusion, that where a large number of children were educated together securities were afforded for their good education; but at the same time he had the strongest impression, that provided you could, without any violation of those parental claims which the House was bound to respect in the poor as well as in the rich, congregate the children and treat them as the children of the State, you were bound to provide for their religious instruction in the principles of the Established Church. If these children belonged to the State, and if there were a religion professed by the State, could there be a doubt that the religious principles instilled into their minds ought to be in conformity with those of that form of religious belief supported by the State? Therefore, when his hon. Friend, the Member for Kilmarnock, proposed his amendment with relation to that subject, he should give it his cordial support, and that not only on general principles, but on the authority of the document to which he had referred. The deductions he drew from general principles were confirmed by the experience and testimony of men whose evidence on this subject was of the greatest value. If it were doubted that the utmost advantage was derived at Norwood from the superintendence of the chaplain, he would refer to the evidence of Dr. Kay, at page 128, with respect to the conduct of the officers of that establishment. The right hon. Baronet read the following passage:—

> "As far as the teachers and servants are concerned, this evil is now to a considerable extent remedied by the more constant superintendence which the chaplain (the rev. Joseph Brown), in addition to his other important duties, is enabled to bestow on the punctual attendance and persevering activity of the several officers, and on the maintenance of harmonious co-operation among them, since he has relinquished his superintendence of two other children's establishments, and confined his attention solely to that at Norwood. The chaplain's aid in the selection of servants and nurses, in a vigilant inspection of their moral conduct, and their deportment towards the children, has been of great importance to the establishment, has remedied several defects, and affords the boards of guardians one of the best safeguards against abuses."

Could they, then, consent to leave to the casual attendance and inspection of clergymen in the neighbourhood, differing in their views, differing probably in their moral character, and differing necessarily in the extent of their occupation, the performance of those duties which were performed in the case of Norwood by a chaplain paid for his services, but, above all, responsible for the regular and constant discharge of his duty? If they had any doubt remaining on this subject, and wished to understand the practical working of the system followed at Norwood, let them consult the instructions issued by Mr. Chadwick and the evidence of Dr. Kay. They were told in that document he had already quoted, that to redeem vicious children, and bring them back to habits of industry and virtue was a most painful and revolting task (such were the expressions used), and that no one but a man deeply imbued with the spirit of Christian charity could reconcile himself to the performance of that duty, or follow it with success. He thought, therefore, if they regarded the children as those of the State, they must provide them with religious instruction. If that were to be given, could it be given on any principles except those of the Protestant religion, adopted by the State? These were the general principles which he for one should contend must be applied to this question. His noble Friend near him had moved an amendment to the proposition of the noble Lord opposite. The noble Lord first proposed that all children receiving relief within the workhouse, and under the age of sixteen, should be subjected to the operation of this act. He thought there would be great practical difficulty in carrying into effect this regulation. If an industrious and honest labourer were admitted within the workhouse, and offered a decided objection to the separation of his children from him, he thought there would be very great difficulty in interfering to compel the separation of the children from their father, for the purpose of instructing them at a considerable distance, it might be, from the workhouse in which the parent was placed. It was not difficult to conceive instances in which the total separation of a child from virtuous parents might interfere with the obligations of filial duty. He therefore thought the noble Lord would act wisely in admitting the principle of the admendment of his noble Friend. But independently of that, he did not see how such a regulation could be put in practice. He would suppose a case, very likely to occur—that of the suspension of labour in consequence of a severe frost, by which a great number of persons would be thrown out of employment. Out-door relief would be denied them, entrance into the workhouse being considered the only test of destitution. The suspension of labour might prove to be but of short duration, and the labourer might be able to return to his work in a fortnight. Clearly, in conformity with the principles of their plan of relief, they must be anxious that the labourer should return to his occupation by the earliest possible day. Now, what would they do with the children of such a man in the mean time? Take the case of a man with a wife and six children. Such a person would be compelled to come with his family into the workhouse. In such circumstances it might appear wiser, looking at the case by itself, to give out-door relief to one of the family; but they must look at the tendency and operation of the whole law, and the question was whether on the whole the principle now acted on was good. Granting that it was a good one, and that entrance into the workhouse was the best test of a man's inability to procure subsistence, what would they do with the children of the labourer during the two or three weeks for which he supposed the suspension of labour to last? The proposed schools for districts of several unions might be at a distance of twenty miles from the workhouse. Now, the father and mother could claim their discharge at a day's notice at any time. Supposing the children to have been sent to this school, would there not be a complete interruption of scholastic discipline when the master could not know how soon he might have to turn away 100 children in consequence of their parents quitting the workhouse? Even admitting the principle of the regulation to be good, he did not see how they could carry it into effect, if they claimed a right to take away the children of able-bodied labourers, who might be reduced for a short season to become the inmates of a workhouse. He was not speaking of workhouse schools, but of those schools which were to be established for extensive districts. Cases might probably occur in which the vicissitudes of the seasons, occasioning a sudden stoppage of the demand for labour, would bring into the workhouse a considerable number of able-bodied labourers at once, some of whom might have large families. He foresaw great difficulty in determining what should be done with the children during the uncertain period for which their parents should be confined. If, then, it might not seem advisable to incur the risk of sending them to the district school, let them consider whether it would be wise to abandon all provision for education immediately connected with the workhouse. He was much afraid that they must have two sets of establishments for education. He thought the children of convicted felons, being orphans, ought to be educated by the State. He was not quite so clear as his noble Friend (Lord Stanley) with respect to the distinction which should be made in the cases of illegitimate and legitimate children. A woman might have been seduced and have given birth to a child who was her only consolation; and, notwithstanding her unfortunate fall from virtue, she would still regard the child with all the affection of a mother. He was not prepared to say that the State could claim a right to deprive her altogether of that child. But, supposing the amendment of his noble Friend to be admitted, was it quite clear that the number of children would be sufficient to render the creation of separate establishments necessary? Should that prove to be so, however, the proposition should have his cordial support. He should be rather sorry, he confessed, considering the expense to which the country had already been put for new workhouses, that the commissioners should press the building of schools just at present. There ought to be great tact in the exercise of their discretion with regard to this subject. The education at present afforded in workhouses was not so bad as some gentleman seemed to think. Take the last case found in the volume of the commissioners' reports which had been cited. Sir John Walsham had reported on thirty-two union workhouses. Out of these he stated there were twelve, the children of which were sent to attend national schools. There were others, to the number of eleven, the children belonging to which attended endowed and other schools not connected with the workhouses. He (Sir R. Peel) found, therefore, that in twenty-three, out of these thirty-two workhouses the children attended schools not connected with the workhouse, leaving only nine where such a practice was not pursued. If, then, they must retain some education in workhouses for the children whom it would be possible to send to the combined school, he was much inclined to think that the policy of building a large school in each case might become more questionable. But these were only matters of detail, He should conclude as he had begun, by stating that if it were found practicable to get a large number of children in a school together, under the superintendence of a clergyman of the establishment, and conducted as the school at Norwood, then, he thought that they would do great good; and, subject to the guards and qualifications which he had stated, he should support the amendment of his noble Friend when it came to the vote.

Lord G. *Somerset* said, that agreeing very much in what had fallen from the right hon. Gentleman as to the great degree of discretion with which the commissioners ought to exercise this power, he thought that the amendment of the hon. Member for Southwark would be a check against the commissioners running too fast. The amendment was useful, and he should support it. His only objection was that it did not go far enough.

Mr. *Langdale* said that, notwithstanding the suggestion of the noble Lord, he could not refrain from expressing his regret if he had correctly understood what fell from the right hon. Baronet opposite. In speaking of the district workhouse schools he had understood the right hon. Baronet to say that all children sent there were to be considered as the children of the State, and were consequently all to be educated in the religion of the State. Such an opinion was so entirely inconsistent with the declarations of religious toleration which he had frequently heard from the right hon. Baronet that he could scarcely believe that he had correctly understood what he had said. He did not mean to say that he would object, as many dissenters did, to the appointment of a chaplain of the Established Church; but if it were pretended that, because the children were left destitute, the State had a right to say, "I have now become possessed of the soul as well as of the body of the children, and in spite of the religion of their parents in which they have been already brought up, I will educate them in the religion of the State," he protested against any such doctrine. He knew that a child of twelve years of age was admitted to the most solemn sacraments of the Roman Catholic religion, and yet this bill would apply to all children under the age of sixteen, and compel them, in spite of their former principles, to adopt the religion of the State. That principle was certainly not adopted in the school at Norwood; for he knew that Roman Catholic clergymen had gone to that school, and there instructed the children of their own faith. He was afraid that the resolution of the hon. Member for Kilmarnock was conformable to the interpretation which he had put upon the speech of the right hon. Baronet.

Sir *R. Peel*—I stated my opinion most distinctly, that if the parents, or one of them, objected to the education of the child in the religion of the State, you ought to defer to that objection. I have always held that you have no right to force the religion of the State on children whose natural guardians objected to it; and I adhere to that opinion. If a Roman Catholic father, or either of the parents, being Roman Catholics, object to the education of the child in the principles of the Established Church, that objection ought to be scrupulously deferred to. I was speaking of the children of convicts, orphans; and I stated generally that which I thought on the whole to be the best plan. I was not considering every minute objection, as for instance the right of the nearest Roman Catholic relation; but I think I stated sufficient in naming the natural guardians of the child. Perhaps not sufficiently guarding myself against all possible misapprehension, I may have exposed myself to the misinterpretation of the hon. Gentleman; but I can assure him that in this case, as in all others, I am disposed to defer to the religious objections of the national guardians of the children.

Mr. *Langdale* expressed his satisfaction at the right hon. Baronet's explanation.

Mr. *Muntz* observed, that the right hon. Baronet had said that he would not oblige children whose parents objected to be taught the established religion, but he had not said whether he would allow their being taught the religion to which they belonged.

The Committee divided, on the question that the proposed words be added:—Ayes 172: Noes 108;—Majority 64.

List of the AYES.

Acland, T. D.
Aglionby, H. A.
Archdall, M.
Ashley, Lord
Attwood, W.
Bagot, hon. W.
Bailey, J.
Baillie, Colonel
Baldwin, C. B.
Barrington, Viscount
Bentinck, Lord G.
Blackstone, W. S.
Boldero, H. G.
Bolling, W.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Brocklehurst, J.
Brooke, Sir A. B.
Brotherton, J.
Brownrigg, S.
Bruges, W. H. L.
Buck, L. W.
Buller, Sir. J. Y.
Burroughes, H. N.
Canning, rt. hn. Sir S.
Cantilupe, Viscount
Cavendish, hon. C.
Cavendish, hon. G. H.
Cholmondeley, hn. H.
Chute, W. L. W.
Clerk, Sir G.
Collins, W.
Colquhoun, J. C.
Compton, H. C.
Copeland, Alderman
Corry, hon. H.
Courtenay, P.
Crewe, Sir G.
Dalrymple, Sir A.
Darby, G.
De Horsey, S. H.
D'Israeli, B.
Douglas, Sir C. E.
Douro, Marquess of
Duncombe, T.
Duncombe, hon. W.
Du Pre, G.
Eastnor, Viscount
Eaton, R J.
Egerton, W. T.
Ellis, W.
Estcourt, T.
Etwall, R.
Farnham, E. B.
Feilden, W.
Fielden, J.
Fellowes, E.
Filmer, Sir E.
Fitzroy, hon. H.
Fleetwood, Sir P. H.
Fleming, J.
Follett, Sir W.
Forester, hon. G.
Fox, S. L.
Fremantle, Sir T.
Freshfield, J. W.
Gaskell, J. Milnes
Gladstone, W. E.
Gladstone, J. N.
Glynne, Sir S. R.
Gore, O. J. R.
Goring, H. D.
Goulburn, rt. hon. H.
Grant, Sir A. C.
Grimsditch, T.
Grimston, Viscount
Halford, H.
Hall, Sir B.
Hamilton, Lord C.
Hawkes, T.
Hector, C. J.
Heneage, G. W.
Herbert, hon. S.
Herries, rt. hn. J. C.
Hodges, T. L.
Hodgson, F.
Hotham, Lord
Houldsworth, T.
Howard, P. H.
Hurt, F.
Inglis. Sir R. H.
Irton, S.
Jermyn, Earl
Johnson, General
Johnstone, H.
Jones, J.
Kemble, H.
Knight, H. G.
Langdale, hon. C.
Lowther, J. H.
Lygon, hon. General
Mackenzie, W. F.
Maclean, D.
Mahon, Viscount
Manners, Lord C. S.
Martin, J.
Marton, G.
Maunsell, T. P.
Milnes, R. M.
Mordaunt, Sir J
Morgan, O.
Morris, D.
Muntz, G. F.
Neeld, J.
Neeld, J.
Owen, Sir J.
Packe, C. W.
Pakington, J. S.
Palmer, R.
Palmer, G.
Parker, R. T.
Patten, J. W.
Pechell, Captain
Peel, rt. hon. Sir R.
Perceval, Colonel
Pigot, R.
Planta, rt. hon. J.
Pollock, Sir F.
Powerscourt, Viscount
Praed, W. T.
Pringle, A.
Pusey, P.
Richards, R.
Rolleston, L.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Rushout, G.
Salwey, Colonel
Sanderson, R.
Sandon, Viscount
Scarlett, hon. J. Y.
Shaw, rt. hon, F.
Sibthorp, Colonel
Smyth, Sir G. H.
Smythe, hon. G.
Somerset, Lord G.
Spry, Sir S. T.
Stanley, Lord
Sturt, H. C.
Style, Sir C.
Trevor, hon. G. R.
Trotter, J.
Turner, W.
Tyrell, Sir J. T.
Vere, Sir C. B.
Vivian, J. H.
Vivian, J. E.
Waddington, H. S.
Wakley, T.
Walker, R.
Wilbraham, G.
Wilbraham, hon. B.
Williams, T. P.
Williams, W.
Wilmot, Sir J. E.
Winnington, H. J.
Wodehouse, E.
Wood, Colonel
Worsley, Lord
Wynn, rt. hon. C. W.
Young, J.

TELLERS.

Wood, B.
Gisborne, T.

List of the NOES.

Acland, Sir T. D.
Adam, Admiral
Ainsworth, P.
Baring, rt. hon. F. T.
Baring, hon. W. B.
Barnard, E. G.
Berkeley, hon. H.
Berkeley, hon. C.
Bewes, T.
Blake, W. J.
Bodkin, J. J.
Bowes, J.
Brabazon, Lord
Buller, E.

Busfeild, W.
Campbell, Sir J.
Chalmers, P.
Chichester, Sir. B.
Clay, W.
Clayton, Sir W. R.
Clive, E. B.
Cowper, hon. W. F.
Craig, W. G.
Dalmeny, Lord
Divett, E.
Duff, J.
Evans, G.
Evans, W.
Ewart, W.
Fazakerley, J. N.
Fitzalan, Lord
Fitzroy, Lord C.
Goddard, A.
Gordon, R.
Greene, T.
Grey, rt. hon. Sir G.
Grote, G.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Heneage, E.
Hill, Lord A. M. C.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hollond R.
Horsman, E.
Howard, F. J.
Howard, hon. C. W. G.
Hutt, W.
Hutton, R.
James, W.
Labouchere, rt. hn. H
Lascelles, hon. W. S.
Lemon, Sir C.
Lennox, Lord A.
Loch, J.
Lushington, C.
Lushington, rt. hn. S.
Macaulay, rt. hn. T. B.
Marshall, W.
Melgund, Viscount
Mildmay, P. St. John
Morpeth, Viscount
Muskett, G. A.
Noel, hon. C. G.
O'Ferrall, R. M.
Ord, W.
Parker, J.
Parnell, rt. hn. Sir H.
Philips, G. R.
Pigot, rt. hon. D.
Plumptre, J. P.
Price, Sir R.
Protheroe, E.
Pryme, G.
Rawdon, Col. J. D.
Rice hon. E. R.
Rich, H.
Rickford, W.
Roche, W.
Rose, rt. hon. Sir G.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Sanford, E. A.
Seymour, Lord
Sheil, rt. hn. R. L.
Slaney, R. A.
Smith, J. A.
Smith, A.
Smith, G. R.
Smith, R. V.
Stanley, hon. E. J.
Staunton, Sir G. T.
Stewart, J.
Stuart, Lord J.
Strutt, E.
Tancred, H. W.
Teignmouth, Lord
Thornely, T.
Townley, R. G.
Troubridge, Sir E. T.
Verney, Sir H.
Warburton, H.
Ward, H. G.
Winnington, Sir T. E.
Wood, C.
Wood, G. W.
Wyse, T.

TELLERS.

Maule, hon. F.
Tufnell, H.

Lord *G. Somerset* moved, that after the words "infant poor," there be inserted these words :—"who shall be orphans or who shall be deserted by their parents, or illegitimate, or convicts, or whose parents or guardians shall consent thereto."

Lord *J. Russell* had no objection to the alteration suggested by the noble Lord. Amendment agreed to.

Sir *R. Peel* thought that the boards of guardians were decidedly the best persons to be intrusted with executive and discretionary powers where there was question of taxation. But for the management of the schools referred to in the clause, it might be better to intrust it in part to intelligent persons on the spot, rather than vest it exclusively in the guardians, who might perhaps reside at a considerable distance. If the guardians consented to the appointment of such persons as managing directors, who was there that could object?

Lord *J. Russell* was opposed to the principle of the alteration suggested. If any such addition were made to the board of management, the *ex-officio* managers belonging to the board of guardians would of course very much exceed them in numbers, and outvote them in all cases where there was a difference of opinion.

Sir *R. Peel* was not shaken in his opinion by what had fallen from the noble Lord; but declined to press his suggestion to an amendment.

Mr *Bruges* then moved that the clause be amended by inserting the following after the word "aforesaid" in line 39;—"Provided also, that such principal sum or sums to be raised for the purpose of providing any such building or buildings as aforesaid, and all interest thereon, shall be raised by a special poor-rate to be made on the several parishes or unions so united as aforesaid; and that it shall be lawful for every tenant from year to year, paying such special rate, to deduct and detain out of the rent payable to his or her landlord, for the premises in respect of which such special rate is payable, the full amount of such special rate so paid in respect of the same premises; and every such tenant shall be and is hereby acquitted and discharged of and from the payment of so much of such rent as such special rate so paid as aforesaid shall amount to."

Lord *J. Russell* would have no objection to the proposed alteration, provided the hon. Member would insert the words:—"One half to be paid by the tenant, and one half by the landlord." It should be borne in mind that if this clause were not inserted in the bill, there would still be a charge on the rates for maintaining these children in the workhouse.

The amendment thus modified was agreed to.

On the motion that the clause stand part of the bill,

General Johnson moved that the chairman should report progress.

Mr. *Colquhoun* stated that he intended to propose some variation in the words as they at present stood in the motion of of which he had given notice. The motion, as he intended to move it, would stand thus:—"Provided always that in the said combined parish or union schools for the infant poor, a chaplain of the Church of England shall be appointed by the aforesaid board of management, who shall be empowered to regulate and superintend the instruction and training of the children, and shall receive such salary as the Poor-law commissioners shall determine."

Lord *J. Russell* observed that the hon. Gentleman, at the time that he gave notice of his amendment, had stated very truly what was the practice at Norwood. There undoubtedly a chaplain of the Church of England was engaged; but it was a part of the regulations of the school at Norwood, that any Roman Catholic children that might be admitted to it should be permitted to receive such religious instruction as their parents or guardians might think fit. Now he feared that if the last words of the amendment proposed by the hon. Member were embodied in the bill, viz., that the chaplain should "be empowered to regulate and superintend the instruction and training of the children;" the chaplain, being a clergyman of the Church of England, would very properly feel it his duty not to admit of any instruction in the doctrines of the Church of Rome. He thought, therefore, that if a proviso of this nature were to be appended to the clause, it should at least be of such a kind as would admit of an equal degree of freedom in the instruction of children as was at present permitted at Norwood school, which the hon. Gentleman took as his model.

House resumed.

Committee to sit again.

Colonel *Sibthorp* moved for returns relative to the cases of Rebecca Moore, deceased, and the child of Peter Ricketts, also deceased, in the Poole Union. If his motion were objected to, he should feel warranted in going into a full statement of the case.

Mr. *F. Maule* opposed the motion. He thought it was not fairly brought forward, considering the nature of the notice, and the subject was at present under the consideration of the Poor-law commissioners. When the inquiry was terminated he should have no objection to furnish the returns.

House counted out.

HOUSE OF LORDS,

Tuesday, March 30, 1841.

MINUTES.] Bills. Read a third time:—Turnpike Acts Continuance; Turnpike Acts Continuance (Ireland); East-India Rum.

Petitions presented. By Viscount Duncannon, the Earl of Clarendon, the Earl of Harrowby, and the Earl of Mount Cashel, from the City-road, Pimlico, Dovor-road, Southwark, and other places, for the Abolition of the Toll on the three Bridges.—By the Earl of Mount Cashel, and the Marquess of Bute, from Presbyterian Congregations, for an Alteration of the Law of Patronage of the Church of Scotland.—By the Earl of Falmouth, from Penryn, and other places, that a Medical Director might be appointed to Superintend Medical Relief under the New Poor-law.—By the Marquess of Normanby, from Rational Religionists of Anstruther, for Inquiry into their system.

HOUSE OF COMMONS,

Tuesday, March 30, 1841.

MINUTES.] Bills. Read a first time:—Madhouses (Scotland); Court of Chancery (Ireland); Silk Factories; South Australia.

Petitions presented. By Mr. Byng, from the Inhabitants of the Kingsland-road, in favour of the proposition for throwing open Southwark and Waterloo Bridges.—By Mr. T. Duncombe, from Shepperton, Mr. Ainsworth, from Edgworth, and Mr. Wakley, from Jackson's-bridge, near Merthyr Tydvil, Glamorganshire, against the Poor-law Amendment Bill.—By Mr. Acland, from several places in Somersetshire, Mr. Baines, from Leeds, Mr. Mackinnon, from the Medical Practitioners of Bristol, Lord Norreys, from Henley, and Mr. Barnard, from Greenwich, for Alterations in the Poor-law Amendment Bill.—By Mr. Mark Philips, from certain members of a sect called the Rational Religionists, praying Inquiry into their Principles.—By Mr. Mark Philips, and Mr. Hume, from the Town-council of Manchester, Dunfermline, and other places, for an Alteration of the Import Duties.—By Mr. Hume, from Parishes in Westminster, in favour of Universal Suffrage, and of the Liberation of Mr. Feargus O'Connor.—By Mr. Wakley, from a town in Ayrshire, and from Finsbury, for the Liberation of Robert Peddie.—By Mr. Goddard, from Swindon, Mr. T. B. Estcourt, from Warwick, and other places, General Lygon, from Wolverhampton, Colonel Rolleston, from Nottingham, and Mr. W. Duncombe, from York, in favour of Church Extension.—By Mr. Fox Maule, from places in Scotland, for the Abolition of Church Patronage, in favour of the Small Debts Bill, and in opposition to Railways being permitted to run on Sundays.—By Viscount Castlereagh, from places in Downshire, praying for the Abolition of Church Patronage.—By Mr. Hume, from Galway, for Lord Morpeth's Registration Bill.—By Mr. Hume, praying for some Alterations in the Law with respect to Imprisonment for Debt, from fifty-five Prisoners in the Queen's Bench Prison.—By Mr. Hume, from the Hawkers and Pedlars in the neighbourhood of Durham, for an Alteration in the Law relating to the granting of Licenses to them; and from King's Lynn, in favour of the County Courts Bill.—By Lord Sandon, from the Merchants of Liverpool, for an Inquiry into the Administration of the Colony of Newfoundland.—By Mr. Gladstone, from St. John's, Newfoundland, complaining of the Conduct of the Messenger of the Legislative Assembly in the Colony.—By Mr. Hodges, from 300 Inhabitants of Brayling, and from the Chairman of the Tunbridge Board of Guardians, against the working of the New

Poor-law.—By Lord Morpeth, from Huddersfield, complaining of the Injury done to the Rights of Conscience by compelling Paupers to attend the Service of the Established Church in Unions; from Ovendon, in the West Riding of Yorkshire, complaining generally of the Enactments of the Poor-law Bill; from the Rate-payers of several Parishes in the city of Dublin, praying that the Poor-law Valuation may be adopted as the basis of that for Municipal Taxes; from Medical Practitioners in Ireland, against the Bill for regulating Medical Charities; and from Cumber, county of Derry, and Killaloe, in Ireland, against Lord Stanley's Registration Bill, and in favour of Lord Morpeth's.

COLLECTION OF TAXES.] Mr. *M'Kenzie* begged to call the attention of the Government to an advertisement in the *Edinburgh Advertiser* of March 26th, from the receiver of taxes, stating, that the collector had received a communication from the Comptroller-general of Scotland, to the effect, that the public service required a much earlier collection of those taxes than had been made heretofore, and reminding all persons that the same would become due on the 25th current, and requesting early payment. He wished to know whether the advertisement in question was issued with the knowledge of the commissioners of taxes.

Mr. *R. Gordon* said, that no special directions were given by the commissioners, such matters being left to the parties on the spot.

CARRYING MAILS ON THE SABBATH.] Mr. *Hume* begged to ask the Chancellor of the Exchequer whether it were true, as had been stated, that her Majesty's Government had entered into an agreement by which the mails were to be carried, in Scotland, six days in the week by railway, and on Sunday by coach.

The *Chancellor of the Exchequer* said, that under the Act of last Session, the Postmaster-general had no power to compel the proprietors of railroads in Scotland to carry passengers on Sunday, though they could require them to carry the mails. Two railroads in Scotland had agreed to carry the mails, though they refused to carry passengers; but they said, that the Post-office must bear the expense of the communication by steam, in which they were quite right. The Post-office found, however, that they could convey the mails by horses cheaper than by railway, without any inconvenience to the public, and they had accordingly contracted for that purpose.

Mr. *Hume* objected to the principle on the score of the expense, and gave notice of a motion for copies of the correspondence.

COLONIAL TARIFF.] Sir *R. Peel* inquired whether the right hon. the President of the Board of Trade meant to move his proposed resolution for regulating the commercial intercourse of the West-India colonies and the United States, on Monday next, or whether the committee on the Poor-law Act was to have precedance. Because, as the right hon. the Chancellor of the Exchequer had fixed an early day after Easter for the Budget, and as the resolution in question might have some relation to the general financial statement, or that financial statement have relation to the resolution it would be much more expedient to postpone the resolution till after the statement had been made, in order that the House might have the whole measure of the right hon. Gentleman before them at the same time.

Mr. *Labouchere* said, his resolution could in no degree affect the British revenue and he did not, therefore, see any reason for the proposed delay.

Sir *R. Peel* said, if the resolution embraced an isolated abstract measure, then his objection could not apply; but suppose the importation of foreign sugar at a lower rate should form a part of the right hon. Gentleman's financial measures, then he apprehended it would be better for them to have the whole subject before them at once.

Mr. *Labouchere* said, the right hon. Gentleman would see that it would be improper in him to give any answer that could in any way anticipate his right hon. Friend's statement; but he repeated, that the resolution he had to propose was quite independent of the general subject. Considering what the House had done this Session for the East Indies, he thought there should be no opposition to entertaining a question so important to the West India colonies.

POST-OFFICE REGULATIONS.] Mr. *Herries* said, that on the new regulation for the Post-office coming into operation, the public had been called upon to post their letters earlier. He wished to know whether there was any prospect of an extension of the time of closing, according to the understanding that such should be the case, after the difficulties of the new system had been overcome,

The *Chancellor of the Exchequer* was sorry to say, that so far from seeing any prospect of the understanding being carried into effect, there was, on the contrary, so much pressure arising out of the increased correspondence, that there was much difficulty in carrying on the business with the present establishment of clerks.

NEWFOUNDLAND.] Mr. *Pakington*, in rising to move that a select committee should be appointed to inquire into the state of the colony of Newfoundland, said he could assure the noble Lord the Secretary for the Colonies, that he had no desire to interfere with the progress of the Poor-law Bill, in the principles of which he fully concurred. He hoped he should not say anything that should lead to an acrimonious discussion, or prejudice any person or party whose conduct was to be inquired into by the committee for which he moved. For some years past the colony of Newfoundland had been in a most distracted state, and for the last four years the respectable and wealthy classes of the colony had been pouring in petitions to both Houses of Parliament, laying them at the foot of the Throne, and presenting them to the Colonial-office, praying for a redress of grievances which they declared insufferable and intolerable. He felt it due to the House to state, as clearly and distinctly as he could, the grounds on which he sought this investigation, into the state of an important dependency of the British empire. He could not conceal from the House a fact which was notorious to every one who had paid any attention to the distracted state of this colony, that there was a large portion of that religious animosity prevailing there, which was happily unknown in other parts of the empire, and which could not be too deeply deprecated. He could assure the House, that he did not mean to enter on this portion of the subject, or to excite feelings of animosity against any class or person, but would turn attention to the question, whether the present form of constitution was such as would permanently conduce to the interests and prosperity of the colony. In 1832, when Lord Grey was at the head of the administration, a charter was issued granting to the colony a local legislature. Judging from the experience of the last eight years, he would say, that he thought that constitution was prematurely given. Whatever might be his attachment to the constitution of this country, he considered it a matter of serious doubt how far it was expedient to grant to small states and infant colonies the boon of a representative government. But the peculiar circumstances of this colony were such as to render the grant of the constitution to this colony peculiarly inexpedient. He would state some of these circumstances. The population was from 75,000 to 80,000 inhabitants, who were divided into Roman Catholics and Protestants. In consequence of the climate, it was impossible to carry on to any extent agricultural operations, and the greater portion of the population were therefore engaged in the fisheries, and the proportion of respectable shopkeepers and merchants exceedingly small. The natural consequence of granting a local legislature to the colony was, that the legislature was of a very democratic character, and the franchise very low—every person occupying a house or tenement for the period of one year being entitled to vote for a member of the Legislative Assembly, and every one occupying a house or tenement for two years, such as the fishermen used, being qualified to sit as a member. He did not impute the slightest blame to those who granted this constitution, as some change in the state of the colony was, at the time, absolutely necessary, and those at the head of the administration were led to believe, that it was prepared for the constitution which was given to it. The first assembly which had been called under this constitution was for the most part composed of respectable persons, and he believed there was no fault as to the manner in which they conducted the affairs of the colony; and at that time appearances were such as to justify the supposition that the experiment had succeeded. In 1836, the second assembly was elected, and he was sorry to say, that the allegations in the petitions which had been presented to the House, stated, that at the elections the greatest tumults and disturbances occurred, and that most disgraceful acts of violence were committed, and it was clear, that many of the persons then elected could not conduct the legislation of the colony with advantage. He understood that one of the persons then elected one of the members of the House of Assembly was of the humble rank of a fisherman, while another was merely a domestic servant. He had also been informed by a gentleman connected with that colony, who was now in town, that he had been asked by one of the members of that assembly to take his daughter into his service as a nurse. In most part the persons who were elected members of the legislature were of a low situation of life, and did not conduct the affairs of the colony in a way calculated to give the slightest satisfaction; and the more respectable classes in the colony became most seriously alarmed as to the mode in which the legislature was carried on. In a short time still stronger complaints were made, and greater grounds for dissatisfaction became apparent. It was alleged in the statements which had been furnished to him, that great personal persecution of individuals had been allowed by the House of Assembly; that it had sanctioned gross acts of malversation as regarded the finances of the colony, and, above all, that it had been guilty of a disgraceful case of persecution under the pretence of a breach of the privileges of Parliament. The circumstances of this case had already been before the public, and were shortly these:—A gentleman of the medical profession happened to quarrel in the streets of St. John with a member of the House of Assembly. Strong language was used, but no assault was committed. The member complained to the Assembly, and that body chose to consider it a breach of the privileges of Parliament, and the gentleman was taken into custody on the Speaker's warrant. The case was then brought before one of the judges of the colony, who, on hearing the case, ordered the gentleman to be brought before him, under a writ of *habeas corpus*, and to be discharged. Upon the House of Assembly being informed of this, they, by the agency of their messengers, dragged the judge from the seat of justice, and seized the high sheriff who had officially executed the writ, and had them forced through the streets like malefactors, and committed them to prison. In order to release these gentlemen and to put an end to these disgraceful proceedings, the Governor was obliged to prorogue the Legislature. He was sure that the hon. and learned Gentleman the Solicitor-general, who was so strong and able a supporter of the privileges of Parliament, would admit that this was carrying a breach of privilege to a most objectionable extent. Another matter which was alluded to, was the proceedings of the House of Assembly with regard to the chief justice of the colony. It appeared that that Gentleman had been made a Member of the Legislative Council, and in that capacity, had offended the House of Assembly. He did not know whether it was a wise discretion or not to place a judge in such a situation. The charges, however, that were brought against him had been heard before the Privy Council, and although the Chief Justice Bolton was acquitted of all the charges which had been urged against him, it was thought better to remove him from his office, and thus prevent his return to the colony. From one of the documents, however, which he held in his hand, it appeared that a great number of the most respectable inhabitants of the colony entertained the highest feelings of respect for this judge, and had expressed the strongest objections to his retirement. The document he alluded to was a resolution agreed to at a public meeting of many of the most respectable inhabitants of St. John's, Newfoundland, and contained the following words:—

> "More particularly have they, and the few factious and needy individuals who have associated with them, been unceasing in their attack and untiring in their exertions to bring odium upon the present Chief Justice of the colony, Mr. Boulton, and at any sacrifice to procure his removal from the office which he so ably and impartially fills. In seeking the cause of this malignity displayed toward the Chief Justice, we solemnly declare to your Majesty that we can discover none, except it may be the apprehension that his inflexible administration of justice, unawed by their power or their threats, is calculated to divest the priests and their adherents of their undue ascendancy and to subject them, in common with your Majesty's other subjects, to the supremacy of the law. We take this public opportunity of expressing our full confidence in the integrity and ability of Mr. Boulton, and our entire satisfaction with the firm, judicious, and impartial, manner in which he has discharged his duties. We have also no hesitation in asserting that, notwithstanding the infamous attempt to create distrust in his official conduct, the public confidence in him remains unshaken, and we should lament as a public calamity any circumstance that might cause his removal or retirement from the bench of this colony, which would thereby suffer a loss not easily repaired."

Another of the grave accusations against this House of Assembly was, the misapplication and squandering of the public finances. It unfortunately happened that nearly all the officers of the colony, including even the magistrates and constables, were paid by salaries voted by the House of Assembly, and that that body determined the amount which should be paid in every case. It was alleged, in the apportioning and paying these salaries, that the majority of the Members of the House of Assembly had manifested a disposition to reward their own friends, and to give no payment to those who had at all opposed them. He found very strong language used on this subject in a petition which had been presented to the House in 1838, from the town of St. John's, Newfoundland. It was there said—

> "The numerous and useless offices connected with the House of Assembly which they have created for the sake of patronage—the prodigal manner in which they have endeavoured to squander the revenues of the colony to support themselves and their adherents, and the invidious distinctions and provisions which they have made in several instances for the purpose of prejudicing individuals against whom they entertain personal dislike, indicate with painful certainty their determination to exercise all the power they possess, or are permitted to arrogate, in extending their influence, and inflicting injury on those who presume to differ from them. We deem it incumbent upon us now to bring under the especial notice of your Majesty the important fact, that the magistrates, constables, and other subordinate functionaries in this colony, are entirely dependant upon the annual grant of the House of Assembly for the payment of their salaries. A ready method is thus afforded of controlling their independence, if not of corrupting their integrity, by diminishing, or withholding, or perhaps increasing their respective stipends, in proportion as they are supposed to be more or less favourable or adverse to the authority of the priests and their partisans, and we lament to add, that the determination to exercise this influence has been manifested in the votes of the present Session."

There was a petition, also, to the same effect, presented at nearly the same period, from the Chamber of Commerce of that colony. This body was composed of representatives of the mercantile classes of the colony, and they disclaimed being influenced by any political views; and he believed that it was composed of gentlemen of all opinions, and that some of its members were Liberals, while others were Tories, and that all that they desired was, that peace should be restored to the colony. The petitioners stated, that—

> "Though established for many years, the Chamber had sedulously avoided all interference with, or the expression of any opinion upon, the civil government of the island or its political affairs; but the perils to which the best interests of the colony are now exposed, and which threaten with ruin its trade and prosperity, compel your petitioners to depart from their accustomed course, and with the unanimous and express concurrence of the society at large, to lay before your royal council with earnest entreaties for relief, the most intolerable wrongs they endure."

They then proceeded to notice the manner in which the House of Assembly had tampered with the finances of the colony. They stated that the members of that body—

> "Have interfered with the duties of the Executive, by appropriating to individuals, by name, the most trifling salaries—depriving one constable altogether of his stipend, lessening that of another, increasing that of a third, and this, too, without any complaint being made against the sufferer, or any recommendation in favour of the one benefitted, but solely and notoriously because the individuals affected y their votes were either opposed or favourable to the Members of the Assembly at their election, or did or did not approve of their subsequent conduct. However contemptible such conduct may appear, the evil effects of it are daily felt more extensively and seriously than we can describe. The peace-officers, who are poor, and mainly depending for subsistence on their salaries, are naturally deterred from independently doing their duty; and we fear the evil is not confined to these the lower functionaries."

If such causes of dissatisfaction existed, and these allegations were true, it was clear that the ends of justice were defeated, and that the House of Assembly had scandalously violated its duty as a legislative body. Under these circumstances, it could hardly be a matter of surprise that the respectable inhabitants of the colony had sent a petition to the Legislature at home complaining in strong language of such a state of things. The petition had become the subject matter of discussion in the other House in the Session of 1839, and the noble Marquess then at the head of the Colonial Department stated, that he was aware of the nature of the petition, the allegations of which however, were denied by persons connected with the colony, but that he had sent out instructions to the Governor of Newfoundland, directing him to make a specific inquiry into the complaints made on both sides, and the grievances that were urged, and to make a report on the subject to the Colonial Department. Towards the end of the Session the noble Marquess stated that he had been informed by the Governor of the colony, that the allegations in the petition that had been presented to the other House were very much exaggerated. The report of the Governor had not been laid before Parliament, and however desirous he might be of seeing it, he did not wish to press for its production at present, as the noble Lord had stated, that it was not desirable for the public service that it should then be made public. In reference then to the serious complaints contained in this petition, he would not stop to give an opinion as to their extent, as the governor said that they were exaggerated. After what had been stated, however, he must express his regret that neither the Government nor some influential person in either House had pressed for some specific answer of the Governor to the communication from the Colonial-office; for if it was produced, it would enable them the better to form an opinion as to whether this was a fair subject for Parliamentary inquiry. Since however, this petition had been presented to the other House, matters had occurred which were calculated still further to excite feelings of alarm. In the spring of 1840 the governor—and he did not intend to impugn his motives for the proceeding—made an appointment of a person of the name of Morriss to the office of treasurer of the colony, and at the same time gave him a seat in the legislative council; he was informed that this person was a man of respectable character, but had rendered himself remarkable by the violence of his political feelings and by the strong language in which he was accustomed to indulge. This appointment occasioned a vacancy in a seat in the House of Assembly, and it became necessary to have an election for the town of St. John. At that election the most violent proceedings took place, and the conduct of the mob became at length so furious, that it became absolutely necessary to call out the military. In November last another election took place at Carbonear, which was characterized by equal violence and similar disgraceful proceedings. The most serious riots occurred at that place, and a magistrate in the execution of his duty was assailed and assaulted by the mob, and had his skull fractured, and was otherwise most seriously wounded. Several persons were so ill-treated that they nearly lost their lives, and a great number were injured. In the petition from the Chamber of Commerce of Newfoundland, allusions were made to other matters which had come under the cognizance of the House of Assembly of that colony. Among other things it appeared that a person in the service of the House of Assembly had committed two assaults, and bills had been found against him for them by the grand jury. In consequence of this some of the Members of that body came forward and presented themselves as bail, and the assembly ordered further proceedings to be stayed and still retained this person in their service. Another case, to which he would call the attention of the House, was one in which a young person in the colony had been seized and assaulted, and had had his ears cut off, and was otherwise wounded, and this it was believed was chiefly occasioned in consequence of the political feelings which he entertained. The magistrate, on instituting an inquiry into the subject, found that suspicion fell upon the door-keeper of the House of Assembly as having been a party in the outrage, but the House of Assembly, on that body being informed of their officer being taken up, sent for the magistrate, and ordered him to discharge the prisoner, the consequence was, that all further inquiry was stopped. If the petition presented that night by his hon. Friend the Member for Newark was examined, it would be found to contain several other allegations of a similar nature. He would now beg to call the attention of the House to perhaps the strongest part of the case which he had to bring forward, namely, the address of the Governor in opening the session—the last session of the parliament in Newfoundland. The speech commenced with the following words:—

> "Mr. President, and hon. Gentlemen of the Council, Mr. Speaker, and Gentlemen of the House of Assembly.
>
> "The approaching period of a general election, and the scandalous events which have lately occurred in partial elections, the last of which was rendered altogether abortive by the ferocious conduct of a mob at Carbonear, compel me to suggest for your deliberation, as

an object of the first importance, the establishment of such a law as may tend to preserve the public peace, and secure the free and undisturbed exercise of the elective franchise.

"For this purpose it seems desirable that our system should be assimilated, as nearly as circumstances will permit, to that of the mother country.

"I am anxious to press this matter upon your immediate attention, because, if in the two great districts of the colony which return seven of the fifteen members of which the house is composed, elections can only be carried on under protection of bayonets—if brutal force and lawless violence are to be perpetually resorted to, and, as heretofore, to a degree that can be restrained solely by military interference, the inevitable inference must be, that the island is unfit for a representative system and legislative institutions and that this ancient possession of the British Crown, is not duly prepared for conducting its own affairs, and watching over its particular interests, by means of a General Assembly."

He thought that there could not be a stronger case made out for inquiry than when the governor of a colony felt himself called upon to make such a statement. It appeared that the House of Assembly was not satisfied with the conduct of the Governor of the colony in calling out the soldiers to preserve the peace at the various elections where disturbances had taken place, and they presented an address to him, embodying their views on the subject. He must beg to read to the House the answer of the Governor to this address:—

"Gentlemen—The scandalous events which occurred at two partial elections during the late recess, the ferocious conduct of a mob at Carbonear, by which one of those elections was rendered abortive, and the necessity of military interference and protection on those occasions, are matters of general notoriety. I consider that the documents already before the House, are sufficiently demonstrative to prove those evils, and, in the exercise of my discretion under the existing circumstances of the colony, I must decline compliance with this address, believing that no good could result to the community from the publication of all the representations which I have received on this subject. So convinced am I of the absolute necessity of an amendment of the election law, that I avail myself of this opportunity to state, that should, unhappily, no legislative enactment be made during this Session to secure the free exercise of the franchise, and the public tranquillity in future elections, I will not undertake the responsibility of issuing proclamations or writs for the election of a new House of Assembly, or make myself accountable for the serious consequences, the confusion and bloodshed, so likely to ensue therefrom under the present system; but referring the whole affair to the Supreme Government, I will, as in duty bound, implicitly follow such directions as I may receive in that behalf. Government-house, Feb. 12. 1841."

It appeared to him that the governor felt it to be his imperative duty to use such strong language in his remonstrance to the House of Assembly, and also in resorting to the extreme measure of suspending the Constitution. When he found this to be the case, it fully justified him in urging on the House the importance of inquiry, and in saying that the petitions which had been presented from the respectable inhabitants of the colony, embodying such serious complaints, called for the especial notice of Parliament. He might be asked whether, in suggesting inquiry, he was prepared to suggest a remedy for the evils which he had described. He might be asked, whether he would recommend the repeal of the constitution of Newfoundland; and his answer was, that he would enter upon the inquiry without giving any pledge on the subject; and as to ulterior measures that might on inquiry appear necessary, he would not go into committee fettered with so strong an opinion as that in favour of the repeal of the constitution, and for withholding and taking away from the people of Newfoundland the form of a constitution. He was free to admit, that nothing would justify such a course but the strongest necessity. If it should appear from the evidence that it was not possible to find in the colony better elements for a constitution, he thought that there might be a necessity for its repeal; but he admitted, that any other remedy should be resorted to if there was a chance of success, rather than they should go to this extreme. He had abstained from making any personal charges, and he had brought forward the subject entirely on public grounds. He considered, that the noble Lord had acted rightly in agreeing to a committee of inquiry, and he felt bound also to state, that after the case which he had made out, he conceived that inquiry could not be refused or withheld with any regard to prudence and justice. The hon. Member concluded by moving that a Select Committee be appointed to inquire into the state of the colony of Newfoundland.

Lord *John Russell* had stated a few nights ago, that it was not his intention to oppose the motion of the hon. Gentleman for a Select Committee. In assenting, then, to the motion, he begged to observe, with respect to the motion of the hon. Member, that it appeared to him, that the hon. Gentleman, in the statement with which he had preceded his motion, wished to show that the disturbances which had occurred at the elections in Newfoundland, and the evils which had arisen, and which were likely to arise from the present constitution, were of such a nature, and had been allowed to continue to such an extent, that it became the duty of the Imperial Parliament to interfere. He agreed in many of the observations of the hon. Gentleman, and was ready to admit, that the statement of the governor of the colony called for serious attention. While he, in general, agreed with the governor of the colony as to many of the evils and grievances which had occurred, he had requested him to look out as much as he possibly could for elements for better working the constitution, and if he failed in his inquiry, it would be his duty to look to the measures which it would be the duty of the Government to submit to Parliament. He should not oppose a committee of inquiry, as the House seemed to concur with the hon. Member that advantage might result from it. He wished it, however, to be clearly understood, that although he did not oppose inquiry, he was not prepared to state the nature of the measures which he intended to propose with respect to the House of Assembly of Newfoundland, nor the general views which the Government took of the matter. He should propose his measures without reference to this inquiry, and without reference to the opinion which the House and the committee might adopt. He admitted that this was one of the cases on which the House in general required information to enable it to legislate. With no previous notice or information on the subject, it was impossible that the Members of that House could follow the events that transpired in each colony belonging to this country. He, therefore, thought, that it would be advantageous that a certain number of the Members of that House should be made acquainted with the real state of affairs in the colony before he submitted to the House the views of the Government on the subject. He would not say whether he agreed or disagreed as to the alleged facts stated by the hon. Gentleman, or whether they were well-founded or not; but he felt bound to express his dissent from several of the general opinions stated by the hon. Gentleman. The hon. Gentleman stated, that he considered that it was premature to grant a constitution to Newfoundland, containing, as it did, only a population of 80,000 inhabitants. He did not conceive the granting a constitution to the subjects of the Queen was premature, whether they formed a large community or not. The hon. Member had alluded to the franchise which had been given, to the mode of election, and to the qualification of the Members of the House of Assembly, under the constitution of Newfoundland, and to the proceedings which had grown out of its operation; but, without giving any opinion on all these points, he thought that British subjects, in the situation of the inhabitants of Newfoundland, were more likely to flourish, and to carry on their concerns for the welfare both of the colony and of the mother country, having a popular constitution, than if they had been allowed to remain without one. He thought that the general rule should be, that whenever you had a settlement of British subjects well established in a place, that you should give them free and popular institutions. He admitted that the Parliament at home should have the power of reforming or suspending these colonial constitutions in such cases as they deemed necessary. He thought a case of suspension of the constitution was necessary in one instance, in which he did not obtain the assent of the House, namely, with regard to that of Jamaica. He begged the House to recollect, that he had proposed this at a period when the large proportion of the inhabitants of that colony were in a state of transition from slavery to freedom, and it was feared by the Government, that there would be found, for some time, considerable difficulties in the working of a popular constitution in a community like that of Jamaica; and likewise when there were many persons in a colony of Spanish descent, or of French descent, mixed with a certain proportion of persons of English extraction, he thought that they could not depend on the harmonious working of a free constitution. In a colony, however, like Newfoundland, he conceived that it was desirable to give it a free constitution as soon as they possibly could. The hon. Gentleman had made some very strong remarks as to the working of the constitution in Newfoundland; now he (Lord John Russell) had some very important documents on this subject in his possession, which he regretted he could not give to Parliament at present, but which gave a very different view of the subject from that described by the hon. Gentleman. He would only refer to one of these papers, dated July, 1839; it was a communication from the Governor of the colony to the Colonial Minister. The noble Lord read an extract from this document, the purport of which was, that although at the present moment the Legislature did not appear constituted under the most favourable circumstances, yet, even in the midst of the jealousies which existed, Newfoundland had advanced under the working of the constitution, and that there had been a great many roads made, bridges built, hospitals formed, and many most important local improvements had been sanctioned by the Colonial Legislature. Now the questions to which the Governor alluded—namely, the formation of roads, and the building of bridges, and the establishment of hospitals, and the promotion of internal improvements—were undoubtedly those matters most interesting and important to a colony situated as Newfoundland was. There might be found facts and actions very strange and discordant to our notions—there might be votes and proceedings of the Members of the House of Assembly of Newfoundland, which might appear very strange in the eyes of the people of this country, who had been accustomed to the forms of a free constitution, which had been for several centuries in operation: all this might appear very shocking, and at variance with all notions of propriety, and, therefore, he might be told, that it would be better if the inhabitants of Newfoundland had no constitution; but he must utterly deny the soundness of any such inference. He would rather have those evils which had been described than place the colony again under absolute and arbitrary government. Although they might desire to hear more satisfactory accounts of the proceedings of the House of Assembly, he begged hon. Gentlemen to recollect that under this constitution they found these persons acting with energy in the promotion of internal improvement, and also that the colony was advancing in prosperity; he contended, then, that it would be better to endeavour to amend the constitution, and to improve the working of it whenever they could, than to abolish a representative government in the colony as a remedy. He confessed that he should entertain some doubts of the attachment of a House of Commons to a representative constitution, which would consent to the repeal of the constitution of a colony, unless on the very strongest grounds. [*Cheers.*] He knew not whether the cheer was intended to apply to the proceedings of the Government with regard to the constitution of Jamaica. It should be remembered, however, that with regard to Jamaica the peculiar circumstances which he had just mentioned existed at the period when the proposition was made; and, also, that at that time there was a House of Assembly which did not represent, nor pretend to represent more than a very small portion of the inhabitants of the colony. Just at that period the Parliament of this country had enacted that the slaves in our colonies should be free, and should be entitled to the enjoyment of all the rights of freemen, and it was believed that it would be difficult to combine the body of the coloured population with those who formerly elected the House of Assembly; therefore, it was thought that advantages would result from the temporary suspension of the constitution of the colony, and, above all, after the proceedings of the House of Assembly with regard to certain measures which were deemed essential for the protection of the emancipated slaves. But even for the reasons which he had stated, he was, at the present time, not prepared to say that the Government was right in the proposition which it submitted to the House with regard to the constitution of Jamaica. Thus, while they felt the necessity of proposing some measure on the subject to the House, they had since seen in the proceedings of the House of Assembly in Jamaica, results which clearly manifested the advantages of a representative government, for that body had passed measures calculated to be beneficial to all classes of the community there. He was, therefore, inclined to admit that the Government were wrong in the course which they proposed, and that their opponents were right. This, however, made him the more reluctant to take away a constitution, unless a case of absolute necessity was made out. He would not go into the particulars respecting the disturbances at the elections to which the hon. Gentleman had alluded. He had no doubt that these disturbances were of a disgraceful character, and they deserved the strongest condemnation. With respect to the elections at St. John's and Carbonear, he would only observe that he considered that the governor was perfectly right in sending a military force to put an end to the disturbances, as they appeared to be of such a character as to set aside all law and order, and completely to destroy the public peace. He repeated, that he should not object to inquiry, but he trusted that the hon. Gentleman would be so good as to postpone the nomination of the committee until Thursday, as he conceived that it would be advantageous to consider to whom the inquiry should be entrusted, and as it was of the utmost importance that they should have an impartial committee. As party animosities ran very great in Newfoundland, he was sure that they would only be increased if it was supposed there that the House had appointed a committee determined to defend all the acts of the Assembly, or one determined to vote that every thing was wrong which was done by that body. The hon. Member had very properly abstained from entering into the personal animosities which had arisen, and into the quarrels which had been said to grow out of religious differences in the colony, for this course was less calculated than any other to increase the religious acrimony which existed there.

Mr. *Hume* was quite satisfied that the result of inquiry would be to elicit the truth. He, therefore, was glad that a committee was to be appointed. All that he wished was, that the inquiry should proceed with the full knowledge of all classes in the colony. He trusted that it would not be pursued in a way to suit the views of the gentleman who had been alluded to by the hon. Member for Droitwich, who was the representative of the minority in the colony, but that ample time should be given to the majority to answer the charges which had been brought against them. He said this because his hon. Friend, the Member for Dublin, and himself last year presented two petitions from the mass of the inhabitants of the colony, complaining of grievances, and he was sure, therefore, that the majority would not object to inquiry. He trusted that the inquiry would not be hurried to a close, but that ample time would be given, and due notice would be sent to the colony, for he did not know whether there was, at present, any person in England who represented the feelings and opinions of the majority. The hon. Gentleman had referred to a resolution of some of the inhabitants of St. John's with respect to the Chief Justice of the colony, and they paid him compliments as if he were not under censure for his conduct. It appeared that after full inquiry, although he was acquitted probably on a technical ground, it was the recommendation of the commission that he should not be allowed to return to Newfoundland. He hoped and trusted, that the statements before the House would be fairly and fully examined, at the same time he thought that it would be better to agree to the motion now, and proceed with the inquiry next Session, by which time they could get witnesses from the colony.

Mr. *J. O'Connell* thought it rather unfair towards the colony that these statements should have been made when there was no possibility of answering them. He did not wish to detain the House on the present occasion, but he could not avoid noticing the almost exclusive preference given to one class of persons not professing the religion of the majority. Out of 19,000*l.* paid in salaries, not less than 18,000*l.* went to the minority. With respect to the chief justice, he believed that his conduct had been the cause of almost all the confusion which had occurred in the colony. He trusted that the hon. Member would postpone the committee until after Easter, in order that the inhabitants of the colony might be able to come forward with a fair statement of the facts of the case.

Motion agreed to.

Committee to be nominated on a future day.

POOR-LAW COMMISSION.] House in Committee on the Poor-law Amendment Bill. Upon Clause 10 being proposed,

Mr. *Colquhoun* moved, that at the end of the clause these words should be inserted:—

"Provided always that, in the said combined parish or union schools for the infant poor, a chaplain of the Church of England shall be appointed, who shall be empowered to regulate and superintend the instruction and training of the children; excepting, however, the children of such parents as are of a creed different from the Established Church. And in case the parents, or surviving parent, or if there be no surviving parent, in case the godfathers or godmothers of such children shall object to such children receiving religious instruction in the doctrines of the Church of England, then, and in such case, it shall be lawful in such combined schools for any licensed minister of the religious persuasion of the parents or guardians of such children to visit the schools, at times to be specified by the board of management, to instruct such children in their religious faith. Provided also, that such chaplain shall be appointed by the said board of management, with the consent of the bishop of the diocese, and shall receive such salary as the Poor-law commissioners shall determine."

Dr. *Lushington* said, that whatever objections might be made on the part of certain persons to the appointment of a chaplain for these schools, he was satisfied of the necessity for such appointment. He was no advocate for imposing upon the Dissenters any additional contributions for the maintenance of a Church from which they conscientiously differed in religious opinion; but he believed most confidently, though he had had no communication with any of the Dissenting bodies upon the subject, that so attached were they in heart, in feeling, and in principle, to the union of religious instruction with secular education, that rather than see two or three hundred children belonging to the United Church of England and Ireland left to secular instruction only, or to a chance religious instruction, they would sacrifice their feelings and their convictions as Dissenters from the Established Church. He entirely assented, therefore, to the proposition for the appointment of a chaplain. But he hoped, at the same time, that the duties of the chaplain would be strictly confined to the instruction of those who properly belonged to him, namely, to those children who had been brought up in the faith and the doctrines of the Church of England; and that his instructions would neither directly nor indirectly be extended to those who honestly dissented from the Church. He believed, that the Dissenters would receive this proposition not merely without reluctance, but with great satisfaction, if it were applied in such a spirit; and he hoped, that if they did so receive it, when their feelings upon other subjects came to be discussed in that House, they would find that such conduct had been duly weighed and justly appreciated. Regarding the subject in this point of view, he confessed, that when he first considered the original amendment proposed by the hon. Member for Kilmarnock, it appeared to him to go infinitely further than it ought to go, raising many difficulties and exciting many religious prejudices by the sweeping and comprehensive terms in which it was worded. The clause then before the House was, in the wording at least, though not perhaps in substance, totally different from that which was originally proposed, and contained a great variety of additional matter, which he confessed himself unable entirely to comprehend. It first proposed the appointment of a chaplain, and secondly, that the appointment should be sanctioned by the diocesan. To both these propositions he assented. However liberal might be his opinions with respect to those who dissented from the Church of England, he had ever strenuously maintained the superintending power of the diocesan in all matters connected with the Church of England. He thought that no clergyman should be appointed to so important a trust without the sanction of the bishop. If he rightly understood the matter, the hon. Gentleman had taken certain provisions of the old Poor-law as the basis for protecting from all violation the religious scruples of Catholics and others who dissented from the Church. He was not altogether satisfied with the mode in which the hon. Gentleman had in that respect framed this clause, and his objection to it was one upon which, in his opinion, the fate of the clause would ultimately depend. What was the object to be effected? They all agreed that those who belonged to the United Church of England and Ireland should be placed under the religious instruction of the chaplain; but the difficulties were twofold—first, to ascertain who belonged to that Church, and secondly to devise a protection for those who differed from it. With respect to the first of these difficulties, he doubted whether the hon. Gentleman had expressed himself in terms sufficiently clear. He admitted, that the great majority of children in these unions would be members of the Church of England; and that they had a right to assume, when nothing appeared to the contrary, that the children belonged to the Church, still he was not satisfied with this part of the clause. He had apprehended, as was the case with the amendment originally proposed, that the hon. Member would, instead of introducing the subject into this clause, have reserved it for further consideration in a subsequent stage of the bill, and after mature reflection and consideration. In such a matter they should proceed with the greatest caution. The subject would always be involved in considerable difficulty. But, notwithstanding the difficulty which must be felt in laying down an invariable rule, and the uncertainties which must exist from the very nature of the subject, they should endeavour to adopt that principle, and to lay down that rule, which for the most part would be consistent with truth and justice. Now, assuming the general proposition, that the children should be taken as belonging to the Church, he thought the exception proposed was not broad enough to meet the difficulty. It took the case of a parent, and it said, that the surviving parent—of course while both alive—the father should have a right to state in what religion he wished his child to be instructed. It even went further, and said godfather and godmother. Now, he contended, that this exception was totally inadequate. He would suppose the case of three or four orphan children, whose parents had been of the Catholic faith, and who so far as initiatory rights could discover their intention, must be inferred to have intended to bring them up in their own faith. To instruct those children because they happened to be orphans totally destitute of parental care and authority, in any other faith than that in which their parents lived and died, would be in his opinion a violation of the first principles of religious freedom. Therefore, he contended, that the exception was not sufficient, and that they must establish some other principle than that contained in the clause. The relations of the child, whether Baptist, Independent, or Roman Catholic, should be allowed to come forward and state in what faith the child had been instructed. Upon these grounds, he objected to that part of the clause. He hoped that the subject would be postponed for the present, until a clause had been framed, which upon just and reasonable principles should provide, as far as human wisdom and ingenuity could provide, for all these exigencies. Taking the old Poor-law as his guide, the hon. Gentleman had next provided for the access of religious instructors to children who had not been brought up in the Church of England. To that proposition he entirely acceded, conceding all circumstances would permit to those who dissented from the Established Church. If they called upon the Dissenter to contribute to the support of a chaplain of the Church of England, the Dissenter had at least a right to demand the fullest and fairest opportunity of educating pauper children, whose parents were Dissenters, in the principles of their own faith. Entertaining this view, he had endeavoured to frame a clause which was in accordance with it, though it did not materially differ from that of the hon. Gentleman. He would now take the liberty of reading it to the House. The clause read by the right hon. and learned Gentleman was to the following effect:—

"And be it further enacted, that in every combined parish or union school-house for the education of the infant poor, a chaplain of the United Church of England and Ireland shall be appointed for the purpose of administering religious instruction to such infant poor, according to the doctrine of the said united Church, to all such children belonging to the said Church: provided always, that such clergyman shall in no way interfere with the religious instruction of the other portions of such infant poor; and that it shall and may be lawful for any minister of such other persuasion, at all reasonable times of the day, to visit such school for the purpose of instructing such children (not being members of the Church of England) in the principles of their religion."

With respect to the hours of the day at which such clergyman should be admitted for these purposes, he was content to leave that matter entirely in the hands of the board of managers. Now the committee would perceive that there was a wide difference in the proposition of the hon. Gentleman and his own. The hon. Gentleman in his clause directed that the clergyman of the Church of England should, in all cases (without previously defining who were or were not Dissenters) bring up the children in the doctrine of the Church of England, unless prohibited from so doing according to the tenor of his provision. They were now about to legislate for the poor of this country, and he would not confer upon them even the boon of a good education by the violation of still more sacred principles. Unless prejudices were raised against the system, he had no doubt of its ultimate success. He would go the whole length of the hon. Baronet, and say, that in the case of the mother of a natural child, he never would consent to take her child from her thinking that no object, however bright or holy, ought to induce them to violate the natural affection of a mother for her child. He had now stated his views on this subject, and he asked both sides of the House, seeking, as they all did, the benefit and advantage of the poor to set at defiance the foul outcry against the attempt to confer upon them this inestimable benefit. He trusted there was not to be found in the walls of that House one man so abject a slave to avarice, so totally destitute of all human feelings, as to vote for this measure with the simple view of diminishing the poor-rate without regard to the blessings that it conferred upon the people. He should have rejoiced if they could have so framed the clause as to combine in universal harmony and contentment the Churchman, the Catholic, and the Dissenter; and so as to assure the poor, and also all people of this country who were truly religious, that they had nothing more at heart than the sound religious education of the people.

Lord *Teignmouth* had listened to the speech of the hon. and learned Gentleman with great pleasure, but there were some parts of it from which he was compelled to dissent. He thought that in this country, where there was a church by law established, all whose religion was not known, or who were indifferent on the subject, might be assumed to belong to it, and brought up accordingly in its doctrines. He thought the hon. and learned Gentleman had overrated the difficulties of this question. In the parish in which he resided, and which contained 153,000 inhabitants, the whole education of the poor was under the superintendence of a chaplain of the Church of England; and though no child could be taught the Church Catechism if the parents objected to it, the chaplain informed him (Lord Teignmouth) that no objection had been made during the whole time he held the office of chaplain. The mistress of the girls' school, who had filled that situation for eighteen years, and who had an average of 170 children under her charge, had also told him that she never knew an instance of any child or parent objecting to instruction in the Catechism of the Church of England. He thought that the clause which had been proposed by his hon. Friend the Member for Kilmarnock offended no prejudices, whilst its practical effect would be to afford spiritual instruction and consolation to the most desitute portion of the community.

In answer to Viscount *Sandon*,

Dr. *Lushington* said, he thought it was to be assumed, that the children were of the Church of England. But there were exceptions, to provide for which he thought there should be a separate clause.

Viscount *Sandon* thought that the least cautious way of determining the religion of the children was, to assume that they belonged to the Church of England, unless an objection were made by the parent or natural guardian.

Mr. *Gladstone* begged to know, in the case of children received into the workhouse, with no near relations or guardians, but the belief of whose parents was known to be different from that of the Church of England, in what way the right hon. Gentleman would proceed?

Dr. *Lushington* said, his own notion was, that they should assume, in the first instance, that all children who were brought into the workhouses, or the schools, belonged to the Established Church; and having made that assumption, that they should leave the door open, not merely to the parents or natural guardians of the children to go further—he would not say to what precise extent at that moment—but that they should leave a just and fair opening to those who were interested in the welfare of the children, to show what was the belief of the parents, and to ask them to bring them up in that faith; but, if no one interfered, then he granted that up to a certain period of age, they should assume that the children were of the Established Church.

Mr. *Colquhoun* said, he thought, if any system of religious instruction were adopted at all, it should be interwoven with the course of secular education. It would be most undesirable to separate the two, as he believed many of the Dissenters of the present day would rather their children received spiritual instruction, according to the doctrines of the Established Church, if it were interwoven with good secular education, than that the two should be separated, and they should receive no spiritual instruction at all.

Mr. *Hawes* said, he had recently presented a petition from a large body of Dissenters, and another had been also presented to that House from a congregation of the Society of Friends, distinctly objecting to the appointment of paid chaplains, but not objecting to the religious instruction of children in workhouses being placed in the hands of competent persons. Did they mean, that those chaplains should be paid out of the poor-rates? They must recollect, that competent chaplains could not be paid less than from 100*l.* to 150*l.* a year; and was that additional charge to be imposed at a moment when by the Tithe Commutation Act, at least 1,500,000*l.* had been added to the revenues of the church? Let hon. Members look at the returns which had been made to that House, and they would find there had been an augmentation of from 20 to 30 per cent. His right hon. and learned Friend knew, that many of the most respectable Dissenters entertained those opinions, and yet the clause he had proposed, as far as he could understand, would, if adopted, place the whole instruction of these children, secular as well as religious, under the control of the chaplains. Those chaplains, too, must be approved of by the bishops; so that, by a side wind, they would place the education of these children entirely in the hands of the clergy. The people would be exceedingly astonished to find that, by this simple proviso, the whole matter of instruction was placed under the control of the Church. He meant to vote against the clause altogether; but, in his opinion, it had much better be postponed.

Lord *J. Russell* certainly felt the full weight of the objection stated by the hon. Gentleman with respect to the children of Dissenters. At the same time, he could not but confess there was very great force in the argument urged, as to the impropriety of allowing 300 or 400 children to be brought up, without any regular provision being made for their religious instruction. This difficulty had been experienced at the Norwood establishment, and he concurred with what was stated by some of the commissioners, as to the expediency of appointing a chaplain to the school. Therefore, upon the whole, he did not object to the principle involved in the proposition of the hon. Member, so far as the appointment of chaplains was concerned. The objection urged by the hon. Member for Lambeth, related only to some few words of the hon. Gentleman's proviso, but it certainly was of very great importance. The hon. Gentleman proposed that clergymen should be appointed to "regulate and superintend the instruction and training of the children." These words, it was clear, would have the effect of placing the whole instruction of the children in the hands of the chaplains. Now, this was not the case at Norwood, nor, as far as he knew, at any of the schools in the establishments formed by the Poor-law commissioners. Chaplains had been appointed to superintend the religious and moral training of the children; but with respect to secular education a different course had been pursued. It appeared, that in the establishments at Glasgow, young men were instructed in the most improved methods of education, and it was thought desirable to procure them to teach in the workhouses. They instructed the children according to what was called the "simultaneous method," and he had seen it practised at Norwood. But if the secular instruction were left to the chaplains, they might think the method practised half a century ago, better than any improved system of the present day. He was, therefore, disposed to object to the proviso, unless the word "religious" was inserted before "instruction," and the word "training" was omitted. He should not, however, oppose the adoption of the proviso, on the understanding that it should be considered matter for future discussion.

Mr. *Langdale* had no objection to the appointment of chaplains; but he thought, in allowing the right of objection to having a child educated in the established religion, they might go a step farther. Suppose an orphan of Catholic or Dissenting parents, twelve or fourteen years old, and fully instructed as he might be supposed to be in his own faith, to be admitted into the school, he thought the objection of the child himself ought to be sufficient, and that provision should be made for allowing it.

Sir *H. Verney* observed, that the board of guardians, as well as the board of management, had the power at present of appointing chaplains.

Mr. *Ward* would strongly impress upon the House the necessity of postponing this clause, for great differences of opinion must necessarily arise in the discussion of this amendment, which were not likely to be overcome by the momentary attention which could now be given to it. He was of opinion that if the number of children in the schools belonging to the Established Church were greatly beyond the Dissenters, the majority should have the largest proportion of the funds which would be allotted for this object; but at the same time those children who asserted different opinions should also have a claim to a portion of the funds allocated to the purpose of being educated according to their peculiar desires. If, for example, he took the town he represented, Sheffield, containing upwards of 100,000 inhabitants, they would find themselves placed in the same position with regard to the Poor-rates as the Church-rates, for there was not a Church-rate levied there for a length of time. In that town there were Dissenters of every class, who would of course assert their right of being educated according to their own particular tenets. He should, therefore, beg the House to postpone the clause for the present, until they had the exact proposition of the hon. Member opposite submitted to the House in print.

Mr. *Blackstone* said, he would prefer rejecting the clause altogether rather than such enormous power should be given to the commissioners.

Mr. *Slaney* hoped that a proper spirit of conciliation would induce hon. Members to agree upon the clause rather than to propose its rejection altogether. He thought that the noble Lord, the Secretary for the Colonies, and the hon. Member for Kilmarnock had very nearly met as to the particular justice of the case, and he hoped that some amicable understanding would be come to upon the points in dispute.

Lord *Sandon* observed, with respect to the proposition of the hon. Member for Knaresborough, that certain restrictions would be necessary in the case he wished to provide a remedy for, so as not to make it imperative on the board of guardians, when a child made objections to a certain religious education, to consult the opinions of the latter, although many other motives might influence the child's objections than those which would arise from conscientious objections.

Mr. *Ward* said, the point was very important which they had to determine, namely, whether the rate-payers generally should be taxed for the support of those children that belonged to the Church establishment exclusively.

Mr. *W. Gladstone* said, he thought it was understood that no inquiry should be made upon the subject of the religion of the child unless in the case of some party objecting upon behalf of the child. It was proposed that a certain discretion should be vested in the board of management of acting as they thought proper in the case of a child making conscientious objections against being educated in the principles of the Established Church. He should think that such objections, coming from the child himself, would be much more sacred than those which might be made by an adult person on behalf of such child. He did not consider that any thing serious remained for discussion as to the details of the clause. If there had been an objection made upon principle as to the details of the clause, then a postponement would be but reasonable. The question resolved itself into this — whether they were to tax the whole nation in support of a certain system of religion exclusively? This he thought they were as fully competent to decide now as in a week or a fortnight hence. He therefore hoped there would be no postponement.

Mr. *Hawes* said, that one of the reasons which would induce him to support the postponement was this, that the printed proviso was totally silent as to the payment of chaplains, and the hon. Member opposite had, therefore, taken the House by surprise.

Colonel *Sibthorp* objected to the postponement. It was these postponements which drove all the business to the end of the Session, when it was hurriedly got through.

Mr. *Tatton Egerton* said, it was no novel principle to tax the people generally for the payment of chaplains. This was the case with the chaplains of county gaols, who were paid out of the county-rates. He thought it absolutely necessary that the children should have a religious education, and they could not have that effectually without providing a chaplain, and he thought that he should be of the Church of England.

Lord *J. Russell* said, that in point of form there could not be a postponement of this proviso. The committee must either approve of it or reject it with a view to its being introduced at another time. As he was ready to agree to the proviso, with the amendments suggested, he thought it was better to introduce the proviso now, leaving it open to his right hon. Friend, the Member for the Tower Hamlets, and the hon. Member for Knaresborough, to propose their alterations afterwards, when they thought fit, rather than to reject it altogether. He thought, likewise, that rejecting the proviso at present would be taken as an objection to the clause without there being an intention of refusing it. He should, therefore, be ready to support the hon. Gentleman in his proviso, if he thought fit to divide the committee upon it; but he would not support the rejection of the clause.

Mr. *Ward* said, the committee knew nothing of the amendment to which the noble Lord referred. He had never heard it.

The Chairman then read the clause, with the proviso proposed to be added, and with the alteration suggested by Lord J. Russell.

Mr. *Hawes* thought such a proposition ought not to be brought before the House without distinct notice. He would take the sense of the House against the payment of chaplains out of the poor-rates.

Mr. *Colquhoun* said, his original proviso, of which notice had been given some days ago, was to appoint chaplains to these schools. It had never entered into his head to suppose that they would expect the whole services of literary men, of men educated as gentlemen, and devoting themselves to a very laborious and anxious calling, without giving them a farthing. He was surprised that such a proposal should be gravely made by any man within those walls, and not at once be scouted. That was a proposal he had never made, and never would make, before that committee; he, therefore, in giving his notice, implied the necessity of a salary.

Mr. *Ward* should be willing to adopt this clause if the hon. Member would add these words "that the salary of the chaplain be provided for by proportionate payments out of the poor-rates."

Mr. *Hume* said, it appeared to him that there was a great deal said about pay. He saw no reason why these schools should not be built in the neighbourhood of the workhouses, and why the clergymen who did the duty as chaplains to the workhouses should not be made to do their duty and teach in these schools. It appeared to him that there was a multiplication of clergymen—clergymen for workhouses, clergymen for gaols, clergymen for schools, clergymen for everything, and nothing but a deluge of black coats running about the country doing nothing, and taking away the whole property of the people.

The committee divided on the question that the proviso moved by Mr. Colquhoun be added as follows:—

"Provided always, that in the said combined parish or union schools for the infant poor, a chaplain of the Church of England shall be appointed, who shall be empowered to regulate and superintend the religious instruction of the children, excepting, however, the children of such parents as are of a creed different from that of the Established Church, and whose parent or parents, or in the case of an orphan, the godfather or godmother, or their natural guardians, shall object to the child receiving any religious instruction in the doctrines of the Established Church; and in such case it shall and may be lawful in such combined schools for any licensed minister of the religious persuasion of the parents or guardians of such child, to visit the school at times to be specified by the board of management, for the purpose of instructing such child or children in the principles of their religion; provided always, that the chaplain as aforesaid, shall be appointed by said board of management, with the consent of the Bishop of the diocese, and shall receive such salary as the Poor-law commissioners shall determine."

Ayes 119; Noes 32: Majority 87.

List of the AYES.

Acland, Sir T. D.
Acland, T. D.
Alston, R.
Ashley, Lord
Attwood, W.
Baillie, Col.
Baillie, H. J.
Bannerman, A.
Baring, hon. W. B.
Barnard, E. G.
Barrington, Visc.
Blackstone, W. S.
Bodkin, J. J.
Bolling, W.
Brabazon, Lord
Bramston, T. W.
Broadley, H.
Brodie, W. B.
Bruges, W. H. L.
Bryan, G.
Buck, L. W.
Bulwer, Sir L.
Burr, H.
Burroughes, H. N.
Campbell, Sir J.
Canning, rt. hon. Sir S.
Cantilupe, Visc.
Chichester, Sir B.
Clay, W.
Clive, hon. R. H.
Coote, Sir C. H.
Courtenay, P.
Crewe, Sir G.
Dalrymple, Sir A.

Divett, E.
Duffield, T.
Eastnor, Viscount
Egerton, W. T.
Egerton, Lord F.
Estcourt, T.
Evans, W.
Farnham, E. B.
Fellowes, E.
Fitzalan, Lord
Fitzroy, hon. H.
Fleming, J.
Gaskell, J. Milnes
Gladstone, W. E.
Gordon, hon. Capt.
Grant, Sir A. C.
Grimsditch, T.
Grote, G.
Heneage, G. W.
Hobhouse, T. B.
Hodges, T. L.
Hope, G. W.
Hurt, F.
Hutt, W.
Jones, J.
Lemon, Sir C.
Lowther, J. H.
Lushington, rt. hon. S.
Macaulay, rt. hon. T. B.
Master, T. W. C.
Maule, hon. F.
Maunsell, T. P.
Mildmay, P. St. J.
Milnes, R. M.
Mordaunt, Sir J.
Morgan, O.
Morris, D.
Muskett, G. A.
O'Brien, W. S.
Packe, C. W.
Pakington, J. S.
Parker, J.
Patten, J. W.
Philips, G. R.
Plumptre, J. P.
Pollen, Sir J. W.
Praed, W. T.
Price, Sir R.
Protheroe, E.
Pusey, P.
Richards, R.
Rickford, W.
Rolleston, L.
Rose, rt. hon. Sir G.
Rumbold, C. E.
Russell, Lord J.
Rutherfurd, rt. hon. A.
Sandon, Viscount
Seymour, Lord
Sibthorp, Col.
Slaney, R. A.
Smith, R. V.
Somers, J. P.
Somerset, Lord G.
Somerville, Sir W. M.
Staunton, Sir G. T.
Stuart, W. V.
Surrey, Earl of
Teignmouth, Lord
Trevor, hon. G. R.
Trotter, J.
Tyrell, Sir J. T.
Verney, Sir H.
Vivian, J. E.
Walker, R.
White, A.
Wilbraham, G.
Wilde, Sir T.
Wilmot, Sir J. E.
Wodehouse, E.
Wood, Col.
Wood, Colonel T.
Wood, B.
Wynn, rt. hon. C. W.
Wyse, T.

TELLERS.
Darby, G.
Colquhoun, J. C.

List of the NOES.

Berkeley, hon. C.
Bewes, T.
Brocklehurst, J.
Brotherton, J.
Busfeild, W.
Collins, W.
Ellis, W.
Etwall, R.
Ewart, W.
Fielden, J.
Fleetwood, Sir P. H.
Gisborne, T.
Hector, C. J.
Hume, J.
Humphrey, J.
James, W.
Johnson, Gen.
Lushington, C.
Parker, R. T.
Pechell, Captain
Philips, M.
Pryme, G.
Rawdon, Col. J. D.
Salwey, Col.
Tancred, H. W.
Thornely, T.
Turner, E.
Turner, W.
Wakley, T.
Warburton, H.
Williams, W.
Yates, J. A.

TELLERS.
Hawes, B.
Ward, —

Proviso added.

Mr. *Ward* moved an additional proviso, to the effect that the salary agreed to be given to chaplains should be divided according to the numerical proportion of the children professing different religions to whom religious instruction should be afforded.

Mr. *Hume* hoped his hon. Friend would not persist in his motion. The effect of the motion would be to put Dissenters upon an establishment which was altogether contrary to their principles.

Proviso withdrawn.

On the question, that the clause as amended stand part of the bill,

Mr. *T. Parker* opposed the clause. He found that it gave the commissioners the power of determining how a board of management should be appointed by the guardians. The salaries of the chaplains were also to be left to the commissioners. But his main objection to the clause was, that it exhibited a strong symptom of the perpetuity of the Poor-law commissioners, who were to have in their hands the appointment of certain officers—the clergymen, whose salaries were to be determined on by the board of guardians under the direction of the commissioners. That alone would be sufficient to induce him to divide the committee on the clause. There was scarcely a town in the country which was not provided with a school for the poor, who could much more easily attend these parochial schools than schools twenty or thirty miles off. The Poor-law commissioners acquired additional power in every clause of the bill.

Mr. *Darby* trusted his hon. Friend would not divide upon this clause. He could not agree that the largest schools were necessarily the best schools. He thought the hon. Member had better wait till a subsequent clause came on, by which the board of management were empowered to contract for the maintenance of the poor for seven years.

Mr. *Grimsditch* considered that the clause as it stood extended the powers of the commissioners, by giving them that of taxation, which it was not before intended they should have. The establishment of district schools might be an excellent thing; but it should be the subject of separate legislation. To take from the board of management the power of regulating the salaries was an insult to the common sense of the country, and most offensive to the respectable gentlemen who composed the boards of guardians. He recommended the noble Lord not to listen to the Poor-law commissioners and to their extraordinary schemes. He objected to such a provision being introduced into a law for the relief of the poor.

Mr. *Wakley* said, he understood that the clause could not now be postponed, so that they were driven to the necessity of dividing upon it. As the clause stood, he thought it would give great additional offence to various classes of the community. He agreed with the hon. Member for Macclesfield, that this was matter for separate legislation. Here was a clause introduced into a poor-law bill, incidentally relating to a large proportion of the children of the poor, and the power was given and confined entirely to the Poor-law commissioners. This bill, however, could not last five years. The right hon. Baronet the Member for Tamworth, for no doubt he would then be on that (the Ministerial) side of the House, would come down to the House at that period and say that he could not propose its continuance. The commission could not outlive the term proposed in this bill, and yet the commissioners were to fix the salaries of the chaplains, and the commissioners were to have additional power and additional patronage, and there was nothing in the clause to lead the public to suppose that the commission would terminate in five years, or in fifty-five years. But the House would find that the feeling of the country against this bill would be so strong that it would be utterly impossible to stem the torrent. Could the House legislate upon this subject with the care and deliberation and caution which the circumstances of the country demanded? Where the feeling and the aversion of the country were so strong, could the House legislate in this manner, by introducing a clause incidentally, and containing a proviso differing from the clause? He believed that the clause as it stood would increase the strong feeling out of doors against the bill. The clause gave extraordinary power to the commissioners, and seemed to contemplate the perpetuity of the commission.

Mr. *Gisborne* considered that if the boards of guardians were the best judges of who were fit to be chaplains, they must be the best judges of what their salaries should be. He had no faith in the efficacy of the clause as it stood, and he should vote against it.

Mr. *Hawes* could not vote for the rejection of the clause altogether; he considered it one of the most important parts of the whole bill.

Mr. *Howard* thought that clergymen of all denominations should be permitted to attend to the spiritual wants of the infant poor, and he hoped, that whatever their creed might be, they would be animated with sufficient zeal to perform their duties without the hope of any positive pay to stimulate them.

The Committee divided on the question that the clause stand part of the bill.

Ayes 141; Noes 36: Majority 105.

List of the AYES.

Acland, Sir T. D.
Acland, T. D.
Alford, Viscount
Alston, R.
Antrobus, E.
Ashley, Lord
Bailey, J.
Baillie, Col.
Baillie, H. J.
Bannerman, A.
Baring, hon. W. B.
Barnard, E. G.
Barrington, Viscount
Berkeley, hon. C.
Bodkin, J. J.
Bolling, W.
Brabazon, Lord
Bramston, T. W.
Broadley, H.
Brodie, W. B.
Bruges, W. H. L.
Buck, L. W.
Bulwer, Sir L.
Burroughes, H. N.
Busfeild, W.
Campbell, Sir J.
Cavendish, hon. G.H.
Chichester, Sir B.
Cholmondeley, hn. H.
Clay, W.
Clive, hon. R. H.
Cochrane, Sir T. J.
Courtenay, P.
Crawford, W.
Dalrymple, Sir A.
Dennison, W. J.
Divett, E.
Eastnor, Viscount
Egerton, W. T.
Egerton, Lord F.
Estcourt, T.
Evans, W.
Ewart, W.
Fellowes, E.
Filmer, Sir E.
Fitzalan, Lord
Fleming, John
Fremantle, Sir T.
Freshfield, J. W.
Gaskell, Jas. Milnes
Gladstone, W. E.
Glynne, Sir S. R.
Gordon, hon. Capt.
Goulburn, rt. hon. H.
Grote, G.
Hawes, B.
Heneage, G. W.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hodgson, F.
Hope, hon. C.
Hope, G. W.
Horsman, E.
Howard, F. J.
Howard, P. H.
Humphrey, J.
Hurst, R. H.
Hurt, F.
Hutt, W.
James, W.
Kemble, H.
Lemon, Sir C.
Lennox, Lord A.
Loch, J.
Master, T. W. C.
Maunsell, T. P.
Mildmay, P. St. J.
Milnes, R. M.
Mordaunt, Sir J.
Morgan, O.
Packe, C. W.
Pakington, J. S.
Parnell, rt. hn. Sir H.
Patten, J. W.
Pechell, Captain
Peel, rt. hon. Sir R.
Philips, G. R.
Plumptre, J. P.
Pollen, Sir J. W.
Praed, W. T.
Price, Sir R.
Protheroe, E.
Pryme, G.
Pusey, P.
Rawdon, Col. J. D.
Richards, R.

Rickford, W.
Rolleston, L.
Rumbold, C. E.
Rushout, G.
Russell, Lord J.
Rutherfurd, rt. hon. A.
Sandon, Viscount
Seymour, Lord
Sheil, rt. hon. R. L.
Slaney, R. A.
Smith, R. V.
Smythe, hon. G.
Somers, J. P.
Somerset, Lord G.
Somerville, Sir W. M.
Stanley, Lord
Staunton, Sir G. T.
Stuart, W. V.
Style, Sir C.
Surrey, Earl of
Tancred, H. W.
Teignmouth, Lord
Thornely, T.
Trevor, hon. G. R.
Trotter, J.
Troubridge, Sir E. T.
Tyrell, Sir J. T.
Verney, Sir H.
Warburton, H.
Ward, H. G.
Welby, G. E.
White, A.
Wilbraham, hon. B.
Wilde, Sir T.
Wilmot, Sir J. E.
Winnington, Sir T. E.
Winnington, H. J.
Wodehouse, E.
Wood, C.
Wood, Colonel
Wood, Colonel T.
Wood, B.
Wrightson, W. B.
Wynn, rt. hn. C. W.
Wyse, T.

TELLERS.

Maule, hon. F.
Parker, J.

List of the NOES.

Aglionby, H. A.
Attwood, W.
Bewes, T.
Blackstone, W. S.
Brocklehurst, J.
Brotherton, J.
Cantilupe, Visc.
Collins, W.
Crewe, Sir G.
Darby, G.
Duffield, T.
Duncombe, hon. W.
Etwall, R.
Farnham, E. B.
Fielden, J.
Fitzroy, hon. H.
Gisborne, T.
Halford, H.
Hector, C. J.
Hodges, T. L.
Irton, S.
Johnson, Gen.
Jones, J.
Langdale, hon. C.
Lowther, J. H.
Mackenzie, W. F.
Rundle, J.
Salwey, Col.
Sanderson, R.
Sibthorp, Colonel
Turner, E.
Turner, W.
Wakley, T.
Walker, R.
Williams, W.
Yates, J. A.

TELLERS.

Grimsditch, T.
Parker, T. R.

Clause to stand part of the bill.

On the 11th clause,

Sir *H. Fleetwood* rose to move the amendment of which he had given notice:—

> "To insert at the end of clause 11, 'Provided always that so soon as any such board of management for any union shall be instituted, it shall forthwith prepare and publish the rules and regulations relating to the training of the infant poor aforesaid, and the admission into such building, from time to time, of the parents and relatives of such infant poor."

Mr. *F. Maule* admitted the propriety of publishing the rules for the instruction of the infant poor generally, at the same time that he objected to the publication by each separate board of guardians. He had rather that his hon. Friend would leave these regulations in the hands of the commissioners.

Sir *H. Fleetwood* said, that if the parents of poor children knew that under certain regulations they might visit their children, they would be most anxious to avail themselves of the privileges of these schools. He would not object to the alteration of his amendment where it might be found objectionable.

Sir *R. Peel* thought it probable that, after a great expense in erecting buildings had been incurred, a sufficient number might not be found of orphans and others for whom these establishments were intended to fill them. In the event of any miscalculation of this kind, he would propose to make these receptacles subservient to the public good, by admitting the children of the adjacent poor, who were willing to pay a trifling sum towards their education. By this course he thought a great benefit would be conferred on the community.

Mr. *Slaney* thought, that if the wishes of the parents were consulted, especially as the plan proposed gave industrial employment to the children, the system would make its way as soon as it became known.

Mr. *Goulburn* feared, that unless the proposed plan were carried into effect with the greatest possible discretion, it would cause a great departure from the principles of the Poor-law Amendment Act.

Mr. *Grimsditch* held that the question now under consideration was worthy to be made the subject of separate legislation. He deprecated the interference of the Poor-law commissioners in a matter of this nature. The clause now under consideration ought to have no place in the present bill.

Sir *H. Fleetwood* expressed his intention of withdrawing the amendment, his object in proposing which was, that infant children who were not compelled to go to those schools might have the benefit of them if their parents wished.

Mr. *F. Maule* thought that this might not be an improper time to state that he had a clause prepared to carry out the proposition which had been suggested by the right hon. Baronet, the Member for Tamworth, upon the understanding that in the first instance pauper children should be provided for, but that in the event of vacancies occurring, those vacancies should be placed at the disposal of such children of the poor not actual paupers as should be anxious for education.

Lord *Stanley* expressed his concurrence in the sentiments of his right hon. Friend, and observed that he thought the hon. Gentleman (Mr. F. Maule) would find them already acted upon in the management of county lunatic asylums, which were, in the first place, open to paupers from all districts, at an expense to the parish of a small sum; next, to criminal lunatics, upon payment of another sum; and thirdly, in case of vacancies, to private families who might suppose that patients would be better accommodated there than in the county hospital, upon payment, also, of a certain sum; which sums went to relieve the county-rates, while they afforded a facility to the pauper lunatics of obtaining the best accommodation upon the cheapest terms.

Amendment withdrawn, and clause agreed to.

Clauses 13 and 14, relating to lunatic asylums, were struck out, to be made the subject of a separate bill.

On clause 15 (determining the proportions and rates of contribution of the parishes and unions) being proposed,

Captain *Wood* begged to know what the principle of the contribution was to be, and said it ought to be defined in the clause.

Mr. *F. Maule* replied, that the rate of contribution for the building of those district schools would be with reference to the size and population of the unions, and that afterwards it would depend on the number of children sent to those schools. He was not then prepared to introduce a definition of it into the clause; but he would take the suggestion into consideration.

Sir *R. Peel* ventured to say that it would be impossible to devise any scheme for general contribution which would be palatable to four-fifths of the board of guardians, unless they defined beforehand what the principle of that contribution was to be.

Sir *H. Verney* observed, that if the former suggestions of the right hon. Baronet the member for Tamworth met with the approbation of the House, he thought they might regard those schools as a part of the national system of education, and that therefore there ought to be a portion of the public funds voted for their support.

Mr. *G. Palmer* was of opinion, that this subject should be brought under their consideration in a separate bill. If it were intended that the commissioners should be continued not in perpetuity, but for five years, and no longer, were they to assume that those schools were only to last for the same period; or was a separate commission to be appointed for the purpose? It would be absurd to set about establishing such schools as were proposed by this bill for the period of five years, and if the period were to be longer, then must the commission be also continued, or a separate commission appointed. Another objection he had to the proposed arrangement was, that a kind of degradation would attach to those children who, not being themselves paupers, should be sent to the schools of pauper children. Far better would it be to frame a separate measure on the subject, and to establish schools for children who were not paupers, and then send to those schools the pauper children at the expense of the parish.

Sir *R. Peel* hoped, that the suggestion he had thrown out would not be misunderstood. A large district school having been established, and the children of paupers in the house having, undoubtedly, the first claim to participate in its advantages, he contemplated the possibility of a number of vacancies, and therefore he proposed, that a power should be taken to render that accommodation available for the education of children whose parents were not in the workhouse. A poacher, for instance, might not be willing to enter the workhouse, but, having some regard for the education of his children, it was most desirable that day scholars, living in the neighbourhood and paying a certain sum, should be admitted. This case he had no doubt would frequently occur. A benevolent gentleman seeing profligate parents, who would not go into the workhouse, might be disposed to undertake the education of their neglected children, having an opportunity of paying for them in the district school upon certain prescribed conditions. Sure he was that in acting thus with the consent of parents, and having a clergyman of the Church of England presiding over the education so communicated, great good must be effected. He could not too strongly protest against the principle laid down by the hon. Member for Essex, (Mr. G. Palmer), that they should teach the class just above the pauper to shrink from allowing their children to be educated with paupers. He maintained that pauperism was no test of vice. A man might be a pauper and go into a workhouse without being degraded. But to say that the fact of being in a workhouse so degraded a family that those immediately above them should refuse to have their children educated in the same establishment with the children of paupers, would be to introduce into their bosoms all the feelings and prejudices which accompanied a state of slavery.

Mr. *Grimsditch* thought the clause very objectionable in its present shape. It was scarcely practicable to frame such regulations in an Act of Parliament as would meet the likely contingencies of so complex a system. The only thing intelligible about it was, that it would entail enormous expense on every district, without securing any efficient plan of education.

Lord *Stanley* suggested, that some words should be inserted referring to the principle upon which the commissioners should proceed in fixing contributions. Another clause was promised in order to define that principle; but, if no such clause were forthcoming, the commissioners might proceed most arbitrarily upon the present clause. Unless some restrictions were introduced, he should vote against the clause.

Lord *J. Russell* had no objection to the insertion of words to that effect; and the following proviso was then added:—"Provided always, that such proportion of rated contribution shall be fixed by the commissioners in the manner hereinafter enacted."

On the question "that the clause do stand part of the bill,"

Mr. *T. Parker* put it to the noble Lord (J. Russell) whether this clause had not been framed with reference to the perpetuity of the Poor-law commission? He expected a frank reply to this question. If he did not, he should draw his own inference, and so would the country.

Lord *J. Russell.*—Not to my knowledge.

Clause agreed to.

On clause 17, providing workhouses for relieving and setting to work poor and women of a disorderly character, within the limits of the metropolitan police.

Lord *G. Somerset* asked why its provisions were restricted to the metropolis, and not extended to populous towns in the country.

Lord *J. Russell* was understood to say, that he should have no objection to extend the clause if other populous towns desired such an arrangement.

Mr. *Grote* proposed to insert in the clause, after the words "for relieving and setting to work therein," the words, "of casual, and vagrant poor;" and he wished to do so in order to remedy an evil which had been seriously felt by the constituency he represented. He would state to the House, that for the purpose of affording relief to the poor, the City of London was divided into three unions—namely, the City of London within the walls, the East London union, and the West London union. The City of London within the walls contains a population about equal to the aggregate of the other two, and was, besides, the most wealthy of the three. Of course it was not surprising, that in a district so populous as this the applications of the casual and destitute poor for temporary relief should be very numerous; but inasmuch as it happened that the City of London within the walls had no workhouse of its own, it was the custom of the relieving officer in that district to give to vagrants a shilling and a loaf of bread each, and to send them away. These same people afterwards went to the East or West London union workhouse for a night's lodging; and the number of persons who made these applications in the evenings, at most inconvenient hours, was so great as entirely to break through the good order and tranquillity of those establishments. He held in his hand a list of the admissions into the West London union workhouse, for the first week of the present month, and he thought the House would be astonished to hear that in that week there had been no less than 245 of those vagrants claiming and receiving admission. But what made the difficulty and inconvenience greater was, that a very large proportion of these vagrants were of the worst and most disorderly characters. The list he held in his hand contained the names and ages of each of the persons admitted; and he regretted to state that by far the larger proportion of persons so admitted were persons in the full maturity and vigour of life, both males and females, between eighteen and forty years of age. They conducted themselves in the most riotous and disorderly way, refused to submit to restraint, and, in fact, behaved in a manner that was completely inconsistent with the maintenance of tranquillity or good order in the establishment. Moreover, it appeared, that many of them were in a state of infection and disease, and, from the reception of such persons, the effect had been most serious as regarded the inmates of the workhouse. He thought, therefore, it would be seen, that, for the preservation of good order in the workhouse, it was necessary that some change should take place; and his object was to give the board of management power to combine the three unions in the City of London for the purpose of providing a separate building for the relief and setting to work of those casual and destitute poor. He was sure that that would be found a material convenience in every point of view, and would lead more effectually to the prompt relief of those who laboured under extreme want, and in whose cases prompt and effectual relief would be most required. In the report of the Poor-law commissioners for 1838 and 1839, it would be seen that this subject had engaged the attention of the commissioners, and that they had found it necessary on more than one occasion to insist upon the board of guardians relieving those casual and destitute persons prior to any inquiry as to their character; for, inasmuch as it had happened, that so many of this class of poor were really riotous and disorderly and worthless characters, the boards of guardians had felt a disinclination to relieve them which they would not have entertained in ordinary cases. If hon. Gentlemen would consult the report they would perceive that the most urgent and peremptory recommendations had been made by the commissioners to the boards of guardians in London, against their omitting to relieve these casual and destitute poor. This report with the testimony he (Mr. Grote) could adduce from his own knowledge and examination, was sufficient evidence of the great inconvenience and evils now felt, and which would continue to be felt until some special building should be provided for such individuals. He believed, however, that something more even than this would be necessary. It was his belief that in the case of vagrants who applied for relief, the guardians should be invested with the power of detaining them until the next day, or for a certain number of hours, in order to force them to render to the parish a certain quantity of work in consideration of the relief they received. To meet the evil of vagrancy some such measure as this was certainly requisite. In looking over the returns recently laid before the House, and which contained the circular of the Poor-law commissioners to the various boards of guardians on the subject of vagrancy, and the answers thereto, he found that those boards of guardians, with hardly a single exception, completely approved of and strongly desired to be invested with the power of detaining vagrants for a certain number of hours, with the view of compelling them to render a certain quantity of work. Such a provision as that would have the effect of greatly abating the evil of vagrancy; but if such a measure were proposed, it ought to be a general measure, and not confined to the City of London. Therefore it did not now form any part of his recommendation to the House. The hon. Member concluded by proposing his amendment.

Colonel *Sibthorp* said, he should have been very glad if the present clause had not appeared in this bill, a bill to the principle of which he was strongly opposed. He was against the bill, the whole bill, and every clause in the bill. There was nothing in the bill, in his humble opinion, which rendered it worthy the adoption of the House. He must say he very much regretted that the hon. Member for the City of London had brought forward this proposition, which was levelled against a class of unfortunate people, many of whom, perhaps, had been driven to the commission of crimes under circumstances, which he lamented to say, though they afforded no justification, must be regarded as some palliation of their conduct—circumstances to a great extent, in his humble opinion, which were the fruit of the enactments of that former bill, which the noble Lord opposite was pleased to call an amendment of the Poor-law Act. He would not enter into the details given by the hon. Member for the City of London, of these poor creatures applying for a shilling, with which to procure food and lodging for the night at most inconvenient hours. He would not pretend to say what hours that hon. Gentleman thought most convenient or inconvenient for giving relief. The hon. Member had stated, that in one week 245 persons of the description he termed vagrants had applied for relief at most inconvenient hours. Probably Saturday nights were not included in the hon. Member's return, those seasons which were holydays in that House, and therefore most convenient to hon. Members who wished to look after such matters. Who was to decide upon the character of the persons presenting themselves for casual relief? Who was to have the task of declaring which were disorderly persons? Was the Attorney-general to do it? He would not say to what party in that House, or to what disorderly Member of it, this business should be referred, or whether it should be left with the Secretary for the Home Department, or the Secretary for Foreign Affairs, or the Colonial Secretary, as the fittest person to execute it; or whether they should all be formed into a board of management having power to decide who were disorderly and lewd persons, and then to consign them to those places which had been recommended by the hon. Member for the City of London. But would the House give to boards of guardians a power to come to decisions which would be inconsistent with the rights and liberties of the subject? Would they consent to give any person or persons the power of detaining unfortunate individuals, of which he lamented to say, there were too many, and compel them to work for a day, because under extreme circumstances of distress they had applied for relief? What was to be the proof of their being the persons answering the description in the clause? Were they to be dealt with according to the mere caprice or passion of individuals, who probably might be more guilty themselves of disorderly and improper conduct? Would the House adopt a clause which would press harshly and unjustly upon a class of persons towards whom the commisseration of the House ought rather to be extended? He was sorry to find, that the hon. Under Secretary of State for the Home Department seemed to feel so little for this class of people. He made no charge against the hon. Gentleman, nor would he make any, however gratifying it might be to the hon. Gentleman. In the name of poor persons driven to the commission of crimes which would have been totally repugnant to them under other circumstances, he protested against the clause.

At the suggestion of Mr. *Darby*,

Mr. *Grote* withdrew the words "casual destitute," retaining these, "vagrant poor," instead.

Colonel *T. Wood* thought there was not sufficient information before the House with regard to the persons contemplated by the clause to justify its adopting the amendment at present.

Amendment agreed to.

Lord *G. Somerset* proposed to leave out the words of the clause which made it applicable to "women having been prostitutes, or habitually of lewd or disorderly behaviour," and to insert instead,—"common prostitutes, who shall have been duly convicted as idle and disorderly persons." As the clause stood, the master of a workhouse, or, at all events, the board of guardians upon his complaint, would send any decent woman who might not happen to be as submissive or obedient as he thought proper to these receptacles, which were professedly for very different persons; for he would have nothing to do but to say that she was habitually disorderly. Some independent authority ought to be appointed to decide who came under the description of this clause. It should not be left to persons who might desire to get rid of an individual whom they deemed disagreeable, or who might wish to gratify some ill feeling.

Mr. *B. Wood* recalled the noble Lord's recollection to a petition which he had recently presented from the parish of St. George, Southwark, and which showed that other unions besides that of the City of London required some such plan as this now proposed. He was disposed to support the amendment of the noble Lord, the Member for Monmouthshire.

Lord *J. Russell* saw some difficulty in agreeing to the amendment. Women who were convicted of disorderly behaviour would be sent to the House of Correction. Was it meant that, having once been convicted, they should then be brought within the operation of the bill?

Mr. *Goulburn* said, the clause as it was originally proposed was liable to the same doubt.

Mr. *T. Egerton* said, that the governors of Bridewell complained of the enormous expense occasioned by disorderly paupers being sent to that establishment.

Mr. *Estcourt* hoped that the clause would not be made applicable to all persons who might, at a former period, have been convicted of being disorderly, or who might have fallen into vice, because, if it were so, it would put a stop to all reclamation and reform of character. The great objection to the clause was this very thing—the incomplete definition of the persons who were to be set to work. Was it safe, he would ask, to intrust such an authority as the master of the workhouse with the power of declaring any individual female to be a person of habitually lewd and disorderly behaviour, and sending her without due examination to a workhouse, which, if not absolutely a prison, was still a place of restraint? He wished for some clearer definition of the persons who were the subjects of this clause, as with the present words it would be possible for masters of workhouses to act with the greatest unfairness and cruelty. He should support the amendment of the noble Lord.

Sir *R. Peel* said, that while contemplating the possibility of abuse on one side, they must not entirely forget the evil on the other, of relaxing all power over persons who might come into the workhouse. It was quite right to say, that you would not subject a woman to punishment unless she were convicted of some intelligible offence; but suppose a woman came to the workhouse as a casual pauper, and asked for relief, and by the grossness of her conduct disturbed the other inmates, behaving in a manner that would be with perfect justice styled lewd and disorderly; if there were no control over that woman, unless she had been previously convicted of some offence, she might defy all restraint. Scenes of the grossest impropriety would occur if a general statutable exemption were given to all females not previously convicted.

Mr. *Darby* said, if any person behaved in a disorderly way in a workhouse, there not only should be, but actually was, the power to correct that person; but by this clause the master would have the power of judging and pronouncing on the conduct and character of parties at their entrance into the workhouse. He could not but think, that such a power would be dangerous, and likely to be abused.

Dr. *Lushington* said, as this clause had so very important a bearing on those whom he had the honour to represent, as it concerned the interests of a great many persons in the extensive parishes of the metropolitan districts, he must offer one observation to the House. If he understood the clause, its object simply was to make a classification of persons of this description, to place one set in the workhouse and another in a distinct receptacle, in order to obtain the good effects of a separation. No one could contend, that vicious persons should be allowed to enter the workhouse, and instantaneously corrupt those who, though destitute, were innocent. Therefore some security must be had against contamination. But if the House adopted the words of the noble Lord, they might as well negative the clause altogether, for how was the master of the workhouse to get a list of persons previously convicted for disorderly conduct, or how was he to prove their identity? Persons of this description were quite notorious, and was it to be supposed, that the master of the workhouse would, without any reason whatever, inflict on a decent woman the penance reserved for those of the character mentioned in the clause? You must trust something to the discretion of the master, for it was impossible to define the objects of the clause with perfect clearness. If the clause were not adopted, scenes might be expected to occcur which would render the workhouse a disgrace to the country.

Lord *G. Somerset* observed, that all he required was, the appointment of some independent person, who would not be likely from caprice or worse motives to send a person to these penal workhouse. He asked, would be safe to give the power of affixing a stigma into the hands in which it was proposed to vest it? It was desirable to have a separate establishment for women of that class, but he did not think it safe to give the master of a workhouse the power of saying, that this or that woman was a disorderly character. The master might be actuated by improper motives; he might, for example, have made overtures to the woman which she had rejected, and from a feeling of revenge he might consign her to the separate workhouse.

The *Attorney-general* thought the amendment of the noble Lord would render the clause entirely useless. Where could the record of previous conviction be found? Did the noble Lord propose to have a trial, at which evidence should be brought? He apprehended it would be necessary that some discretion should be left with the master of the workhouse, even with the possibility of its being abused. He thought, however, that the words as they now stood "Women who have been prostitutes, or who may be habitually of lewd or disorderly behaviour, chargeable to the poor-rates," were too general. He should, therefore, propose to leave out the words "who have been prostitutes, or who may be."

Lord *G. Somerset* withdrew his amendment.

The words indicated by the Attorney-general were struck out.

Mr. *Grote* denied that there would be any coercion. The question was simply whether persons of the class described should be dealt with in one workhouse or another.

On the question that the clause stand part of the bill as follows:—

> "Workhouses may be provided for any parishes or unions within the district of the metropolitan police, for relieving and setting to work therein casual and vagrant poor and women of disorderly behaviour, chargeable to the poor's-rates within such parishes or unions."

Colonel *Sibthorp* thought the clause so wholly objectionable, so arbitrary and oppressive, that he should move it be expunged altogether, and he would take the sense of the House upon the question.

Mr. *Estcourt*, we understood to say, would oppose the clause if it was to be the means of bringing taxation upon the metropolitan districts for the maintenance of these workhouses.

The committee divided:—Ayes 144; Noes 23: Majority 121.

List of the AYES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Captain
Adam, Admiral
Aglionby, H. A.
Ainsworth, P.
Alston, R.
Barrington, Viscount
Basset, J.
Bentinck, Lord G.
Berkeley, hon. H.
Blake, W. J.
Bolling, W.
Bowes, J.
Bramston, T. W.
Brocklehurst, J.
Brotherton, J.
Brownrigg, S.
Buller, E.
Burroughes, H. N.
Busfield, W.
Campbell, Sir J.
Cavendish, hon. C.
Cavendish, hon. G. H.
Clay, W.
Clayton, Sir W. R.
Cochrane, Sir T. J.
Cowper, hon. W. F.
Craig, W. G.
Dalmeny, Lord
Darby, G.
Dick, Q.
Douglas, Sir C. E.
Du Pre, G.
East, J. B.
Ellice, E.
Ellis, W.
Etwall, R.
Evans, Sir De L.
Farnham, E. B.
Fazakerley, J. N.
Feilden, W.
Fellowes, E.
Fitzalan, Lord
Fleming, J.
Fort, J.
Fox, S. L.
Freemantle, Sir T.
Gaskell, J. M.
Gisborne, T.
Gladstone, W. E.
Glynne, Sir S. R.
Goddard, A.
Gordon, R.
Goulburn, rt. hon. H.
Greg, R. H.
Grey, rt. hon. Sir G.
Grote, G.
Hall, Sir B.
Hawes, B.
Hawkins, J. H.
Heneage, E.
Hill, Lord A. M. C.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hollond, R.
Holmes, hon. W. A'C.
Hope, H. T.
Horsman, E.
Howard, hon. E. G. G.
Howard, F. J.
Howard, P. H.
Howard, hon. C. W. G.
Howick, Viscount
Hurt, F.
Hutt, W.
Hutton, R.
James, W.
Kemble, H.
Knight, H. G.
Labouchere, rt. hon. H.
Langdale, hon. C.
Lascelles, hon. W. S.
Lemon, Sir C.
Loch, J.
Lushington, rt hn. S.
Marshall, W.
Melgund, Viscount
Mildmay, P. St. J.
Molesworth, Sir W.
Mordaunt, Sir J.
Morgan, O.
Morpeth, Viscount
Morris, D.
Neeld, J.
Noel, hon. C. G.
Ord, W.
Paget, Lord A.
Pakington, J. S.
Palmer, R.
Palmerston, Viscount
Parnell, rt. hon. Sir H.
Pattison, J.
Pechell, Captain
Peel, rt. hon. Sir R.
Philips, M.
Philips, G. R.
Pigot, rt. hon. D.
Pigot, R.
Plumptre, J. P.
Price, Sir R.
Pusey, P.
Rich, H.
Rickford, W.
Roche, W.
Rose, rt. hon. Sir G.
Round, C. G.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Salwey, Colonel
Seymour, Lord
Sheil, rt. hon. R. L.
Somerset, Lord G.
Somerville, Sir W. M.
Stanley, hon. E. J.
Staunton, Sir G. T.
Strutt, E.
Style, Sir C.
Thornely, T.
Troubridge, Sir E. T.
Tufnell, H.
Tyrell, Sir J. T.
Vere, Sir C. B.
Waddington, H. S.
Walker, R.
Warburton, H.
Ward, H. G.
Welby, G. E.
Whitmore, T. C.
Wilmot, Sir J. E.
Wood, C.
Wood, G. W.
Wood, B.
Worsley, Lord
Wyse, T.

TELLERS.

Maule, hon. F.
Parker, J.

List of the NOES.

Broadley, H.
Bruges, W. H. L.
Buller, Sir J. Y.
Collins, W.
Egerton, W. T.
Fielden, J.
Filmer, Sir E.
Fitzroy, hon. H.
Freshfield, J. W.
Grimsditch, T.

Hodges T. L.
Jones, J.
Lowther, J. H.
Mackenzie, W. F.
Muntz, G. F.
Parker, R. T.
Round, J.
Rushbrooke, Colonel
Trotter, J.
Wilbraham, hon. B.
Wodehouse, E.
Wood, Colonel
Wood, Colonel T.

TELLERS.
Johnson, General
Sibthorp, Colonel

Clause agreed to.

On the 18th clause being proposed.

Mr. Fielden moved that the Chairman do report progress.

The Committee divided: — Ayes 18; Noes 109: Majority 91.

List of the Ayes.

Brotherton, J.
Buller, Sir J. Y.
Douglas, Sir C. E.
Egerton, W. T.
Etwall, R.
Fitzroy, hon. H.
Fort, J.
Freshfield, J. W.
Grimsditch, T.
Johnson, General
Kemble, H.
Lowther, J. H.
Mackenzie, W. F.
Muntz, G. F.
Pakington, J. S.
Parker, R. T.
Somerset, Lord G.
Wilbraham, hon. B.

TELLERS.
Fielden, J.
Sibthorpe, Colonel

List of the Noes.

Acland, Sir T. D.
A'Court, Captain
Adam, Admiral
Aglionby, H. A.
Ainsworth, P.
Alston, R.
Barrington, Viscount
Bentinck, Lord G.
Berkeley, hon. H.
Blake, W. J.
Bolling, W.
Bowes, J.
Broadley, H.
Brocklehurst, J.
Brownrigg, S.
Bruges, W. H. L.
Buller, E.
Burroughes, H. N.
Busfield, W.
Campbell, Sir J.
Cavendish, hon. C.
Cavendish, hn. G. H.
Clayton, Sir W. R.
Cochrane, Sir T. J.
Cowper, hon. W. F.
Darby, G.
Du Pre, G.
Ellis, W.
Evans, W.
Fellowes, E.
Filmer, Sir E.
Fitzalan, Lord
Fleming, J.
Fremantle, Sir T.
Gaskell, J. Milnes
Gisborne, T.
Gladstone, W. E.
Goddard, A.
Gordon, R.
Goulburn, rt. hon. H.
Grey, rt. hn. Sir G.
Grote, G.
Hawes, B.
Hawkins, J. H.
Heneage, E.
Hill, Lord A. M. C.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Holmes, hn. W. A'C.
Horsman E.
Howard, hn. E. G. G.
Howard, F. J.
Howard, P. H.
Howard, hn. C. W. G.
Hurt, F.
Hutt, W.
Hutton, R.
Jones, J.
Knight, H. G.
Labouchere, rt. hn. H.
Langdale, hon. C.
Lascelles, hon. W. S.
Lushington, rt. hn. S.
Marshall, W.
Morgan, O.
Morpeth, Viscount
Morris, D.
Palmer, R.
Palmerston, Viscount
Pattison, J.
Pechell, Captain
Peel, rt. hn. Sir R.
Philips, M.
Philips, G. R.
Pigot, right hon. D.
Pigot, R.
Plumptre, J. P.
Price, Sir R.
Pusey, P.
Roche, W.
Rose, rt. hn. Sir G.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Russell, Lord J.
Rutherfurd, rt. hn. A.
Salwey, Colonel
Seymour, Lord
Sheil, rt. hn. R. L.
Somerville, Sir W. M.
Strutt, E.
Style, Sir C.
Trotter, J.
Troubridge, Sir E. T.
Tufnell, H.
Tyrell, Sir J. T.
Vere, Sir C. B.
Waddington, H. S.
Walker, R.
Warburton, H.
Whitmore, T. C.
Wilmot, Sir J. E.
Wodehouse, E.
Wood, C.
Wood, G. W.
Wood, Colonel T.
Wood, B.
Worsley, Lord
Wyse, T.

TELLERS.
Maule, hon. F.
Parker, J.

Clause again proposed.

Colonel *Sibthorp* stated that his objection to the clause was very strong, and it was his intention to divide against it.

Lord *G. Somerset* stated, that he had an important amendment to move, which he should be averse to call on the House to take into consideration at that late hour of the night.

Lord *John Russell* admitted the importance of the amendment, and would not oppose the motion to resume.

The House resumed, committee to sit again.

HOUSE OF COMMONS,

Wednesday, March 31, 1841.

Minutes.] Bills. Read a first time:—Factory Children.—Read a second time:—Charitable Trusts.

Petitions presented. By Sir R. H. Inglis, from Inhabitants of that part of St. Giles's called the Rookery, for Improvements in Drainage.—By Mr. Easthope, from Amersham, against paying Chaplains to Workhouses out of the Poor-rates, and for Paupers to attend their own places of Worship.—By Sir C. B. Vere, and Colonel Salwey, from Suffolk, and Egham, for Church Extension.—By Colonel Salwey, from Egham, against any further Grant to Maynooth.—By Dr. Lushington, from Stepney College, against Church-rates, to the same effect from the Inhabitants of St. Leonard's, Shoreditch, in favour of the County Courts Bill, and for Supply of Pure Water for the Metropolis.—By Mr. Hume, from Inhabitants of Newcastle-upon-Tyne, from Members of the Society of Free Inquiry at Paddington, and from Bethnal-green, in favour of Universal Suffrage, the Release of Hetherington, and that the House would define the Offence of Blasphemy.

Colonial Tariff.] Mr. *Labouchere* said, it was his intention to introduce certain modifications in the new schedule of duties which he would bring forward in the customs resolutions on Monday next. When he had originally proposed these resolutions he stated, that he was not only ready, but that it would be his duty, if anything arose in the course of his conferences with the various branches of trade which might be affected, to make certain modifications in these duties before they were finally discussed and decided upon in the House. The modifications he now proposed would be, that instead of a differential duty of 10 per cent., *ad valorem*, upon all foreign goods imported into the colonies, he proposed a duty of 7 per cent, *ad valorem*. With regard to shingles, instead of a duty of 3*s*. 6*d*. per thousand, he proposed a duty of 2*s*. per thousand; and, instead of a duty of 10*s*. 6*d*. the thousand feet upon pitch pine and other timber, he proposed a duty of 7*s*. He should take care that these modifications should be printed in an amended schedule, and circulated among the Members of the House as soon as possible, in order that they might have them in a proper form, before he moved the resolutions in the House.

Mr. *Goulburn* said, it was important that not only the Members of the House, but persons engaged in trade should be apprised of these resolutions before they were brought forward.

Mr. *Ewart* regretted that sugar and coffee had not been included, and gave notice of his intention to renew his motion for a reduction of the duty on sugar and coffee immediately after the recess.

Subject at an end.

HEALTH OF THE METROPOLIS.] Mr. *Slaney* said, a petition had been laid on the Table of the House relative to the destitute condition of persons in a populous district of the metropolis. He had that morning visited that district, and it was lamentable to see the wretched and filthy state in which the majority of its inhabitants were. He wished to ask the hon. Gentleman the Under Secretary for the Home Department, whether or not the Home Office was possessed of any power to enforce the discharge of their duty by the local authorities, with respect to cleansing the district to which he alluded? In consequence of the proposed improvements to take place in that quarter, nothing had been done by the parochial authorities with respect to cleansing it. He alluded to the district of St. Giles.

Mr. *Fox Maule* was not aware that the Home Office was compelled to attend to the cleansing of such places as his hon. Friend had alluded to. He apprehended that it was a matter for the parochial authorities, and for them alone to attend to. He presumed, that the bill which his noble Friend introduced in the other House, would give facility for making improvements in that quarter.

Subject at an end.

JEWS DECLARATION.] Mr. Divett moved the third reading of the Jews' declaration bill.

Mr. *W. Gladstone* rose, pursuant to the notice he had given, to move as an amendment, that it be read a third time that day six months. If it was possible to draw a broad line of principle between a bill to admit Jews to municipal offices, and one to permit them to hold other offices, including seats in Parliament, the subject would be different from that which they had now to discuss; but he was satisfied that such a line could not be drawn; and the advocates of this measure must, to be consistent, follow it up with another, throwing open to Jews seats in Parliament, and all other offices which might be held by Christians. On that point there would be but little difference, so that it would be of no use to argue it. He would, however, state his reasons for objecting to the bill, and, without leading the House into theological questions, such as had been urged on a former discussion, he would state the grounds of his objection in that way which appeared most plain to himself, and most likely to be intelligible to the House. His reason for opposing the bill was this—that the profession of the Jews was of itself in the nature of a disqualification for legislative office in a country where Christianity was interwoven with the institutions of the State. It had been said on high authority, that Christianity was part and parcel of the law of England. He would not stop to inquire how far in strict truth that dictum was tenable. It was not necessary that he should define it. It would be sufficient for his purpose to state, that in our general practice our laws were modelled on the principles of Christianity, and they had a solemn recognition of those principles in a practice—which he trusted would never be discontinued—of commencing the daily proceedings in both Houses of Parliament by the solemn invocation and worship of the Almighty, He would not travel into a religious question, seldom entered upon in that House with advantage, but he would say, that the practice of this daily worship implied what he had already stated—that they were to set before them as the object of all their measures, in the words of the service "the promotion of true religion and the glory of God." Such being the case, they were not at liberty, according to the sense of the Constitution, to include every religion as the true one. The question then really before the House as it appeared to him was this, whether they would consent to destroy the distinctive Christianity of the Constitution? He had heard much sneering on a former occasion at an expression used by his hon. Friend the Member for the University of Oxford—namely, that they were about to unchristianize England by this bill. When his hon. Friend used this expression he knew that an attempt would be made to put a misconstruction on his meaning; but his hon. Friend did not conceive that he could use a more appropriate term, or one more approximating even to the nature of a truism with regard to this subject. The test for office was at present a Christian test—this test the bill went to remove and to annul. Was not this to unchristianize? The profession of Christianity was made distinctly and clearly the qualification for the discharge of the functions with which the bill proposed to deal. He did not know whether, by speaking thus, he might not be rendering himself liable to the imputation of "sheer intolerance" from the noble Lord and from hon. Gentlemen opposite. But the ground which he occupied, was precisely the same ground which he would occupy if he were discussing a purely civil question, and speaking as to any other class which he did not consider sufficiently qualified to discharge the duties imposed on them by the Constitution. Let him guard himself in speaking of the Jews as a body. He hoped, that it was not imagined that he intended to speak of them as a class with disrespect. If it were true, as who could doubt, that there were very many honest, upright, and zealous-minded men amongst the Jews of England, the more entirely true such an allegation was, the stronger was the objection to investing them with these privileges, because it was the more impossible that an earnest Jew could apply his mind to anything that tended to the promotion of Christian objects. But further, in speaking of the Jews as a class, he did not pretend to say that every particular Jew was necessarily unfit for every municipal office in the country. It was very possible that they would find individual Jews who would discharge particular duties better than many of themselves. What he said was this—that, in every case of this description, they must judge by the general character of the class, and the business of the State was, to choose those most competent for the particular duties, and appoint them to office according to the standard and measure of their competence. He would therefore argue this question, just as he would argue a question of lowering the franchise. If it were proposed to establish a 6*l.* or an 8*l.* instead of the 10*l.* franchise, it would be a very proper argument to say, that on the whole, those who held the 10*l.* qualification were competent in a superior degree to the exercise of the Parliamentary franchise, and that if they descended to a lower class, they would find them not superiorly qualified. Such an argument would be an entirely legitimate one. Now, as guardians of the constitution, and of the principles on which it was based, he did not see how they could hold that the Jews, generally speaking, could be in the position of having the necessary qualification. But if, from general principles, he were to come to this particular question, he would ask the House to consider what it was upon which the whole course of our history and our national progress chiefly turned. Even within the last ten years had they not had a sufficient number of questions before them, essentially connected with the highest Christian considerations? What were the questions which had chiefly interested the people of this country since the Reform Bill, and exercised the most determining influence upon the state of parties in this country? What had been the most difficult and perplexing questions with relation to every one of the three kingdoms, except those relating to the Christian religion? If there were any questions which involved the greatest possible amount of difficulties—questions upon which a peculiar degree of animosity prevailed—questions on which they found it utterly impossible to agree, it was undoubtedly those questions which, though not directly religious in themselves, were in some way blended with religious associations. If they looked to the questions which had agitated them most in England, was it not Church-rates, and not a State question; national education, and not a State question; Church extension, and not a State question? If they looked to Scotland, what was the great question which was at this moment connected with the social condition of Scotland, but the question which related to the appointment of the ministers of her Established Church? And what question could there possibly be which it was more absolutely necessary to approach in a truly Christian spirit? He need not allude to the case of Ireland. It was too notorious how widely separated was the community there by religious differences, and what immense difficulties had beset the course of their legislation in that House in consequence. If Christianity was a great pervading principle of their law, if the glory of God was proposed in their daily worship as the principal ground of their acts, if also most great questions which came before them were intimately associated with the distinctive principles of Christianity, he conceived himself at perfect liberty to pronounce that those who, as conscientious men, rejected Christianity as a fable and imposture, could not be competent to enter on the consideration of such subjects. It was said, however, that the State had admitted Dissenters and Roman Catholics to office, and some said, that it was not worth while to exclude the Jews. Others said, "We have admitted the one class, and in common courtesy should admit the other." That he begged leave to deny. The proposition was a very different one from those which were made when the claims of the Catholics and Dissenters were before Parliament. Parliament was then told, and to a great extent reasonably, that a bond of common Christianity united them all together. He well remembered a most interesting passage, which had been received with much applause in that House —a passage in a speech delivered by Sir George Murray, who spoke of the sympathy which had existed in the campaigns in which he had taken a part, between his Roman Catholic fellow-subjects and himself, and alluded to the common bond of a belief in the same redemption. But these were sentiments which were totally inapplicable to the consideration of the present question. There were other considerations, too, which broadly distinguished the case of the Roman Catholics and Dissenters from the case of the Jews. In the first place, it could not be said of the United Kingdom, or of the whole of one part of it, when, in point of fact, three-fourths or four-fifths of its population were Roman Catholics, that it was a Protestant country. The Roman Catholics formed a large proportion of the population there; and it was not to be expected that the great bulk of the population was to be excluded from the advantages and honours of citizenship. But, besides that they formed the bulk of the Irish community, and had therefore a right to expect to be represented in the Legislature of the country, they were persons whose minds were naturally embittered by the recollection of former grievances, for the Roman Catholics smarted under the remembrance of centuries of oppression. [*Hear.*] He did not shrink from that expression, and the only remark he would add was, that they were oppressed partly as Roman Catholics, partly as Irishmen, partly on the score of their religion, and partly as belonging to a country which had been unjustly and monstrously used. They could urge an indisputable claim; they were constantly brought into sharp collision with the other classes of their fellow-subjects; they had suffered in former times, and might suffer again from the same parties. Even if it had been true, that they were not to suffer again, that was not enough, unless the Legislature gave security against the recurrence of the suffering. Let them compare this case with the case of the Jews. First, the one adhered as strongly as themselves to the test of Christianity, the others did not. Secondly, the one constituted a large body, which formed the great majority in one portion of the United Kingdom; the others were hardly perceptible on the face of English society, forming an extremely small—a fractional, an infinitesimal section of the community. They might say that it was scarcely worth while to exclude so small a portion; but when he was asked to surrender a great principle of the constitution—for to that it amounted—he had a right to consider who were those who asked him, what was their weight in the social scale—their weight, not physical, but moral. So much as to relative numbers; now as to grievances. He was not aware that the Jews had any special grievance for which they suffered, that they were persons against whom the feelings of the people were violently excited, that they had been smarting under grinding laws, and were likely so to smart. There was no case of practical grievance which could be made out in their behalf, nor any probability of such a case arising. No allegation of this kind had been made by any body of petitioners; whereas in the case of the Dissenters, still more of the Roman Catholics, there were well founded allegations of practical grievances. He would explain what he meant by a practical grievance — something which went beyond mere abstract political right. An invasion of personal liberty was one; a withholding of political privilege was also one, he admitted, but in a weaker sense. The privilege was, however, a question open to discussion, and to be decided by the balance of political considerations on one side and on the other. It was to be borne in mind, that there were still some offices in this country to which the religious test was strictly applied: to the holder of the Crown, to the Lord Chancellor, to certain great offices in Ireland. He had never heard it stated that in these particular cases there was involved a practical grievance, because these were subjects which did not admit of a rigorous application of abstract principles. If this were held to be a practical grievance, they had only to apply the principle in another direction, and it was a practical grievance that the unenfranchised man was not enfranchised. If such were their definition of a practical grievance, it was better that they should come to an understanding at once. He need not trouble the House much further. In his mind the constitution would be much better served and preserved by this limitation in the power of holding offices to Christians than by admitting Jews. There had been days, and they might recur, when the Parliament of England was called on to exercise functions still more directly ecclesiastical than of late had fallen to their lot. It might be said that the questions lately before them had reference merely to the temporalities of religion. But there had been days, like the days of Elizabeth, Charles 1st, Charles 2nd, and William 3rd, when the British Parliament was called on to apply itself directly to the consideration of almost every possible question; most important in a religious point of view—the frame and form of the State religion, the regulation of the public worship of the whole nation; all these most important subjects passed under the revision of both houses of Parliament, and the adoption of one or other form depended on the decision of both Houses. He admitted that the present House was, to a certain extent, disqualified by diversity of religious professions from discussing such questions as these. He did not complain of this change in the constitution of the House. He admitted that it had lost a portion of its competency to discuss these questions, which were called on for discussion in the 16th and 17th centuries; but that competency must necessarily be regulated by circumstances; and the circumstance of their having incorporated with them very many persons differing with them in religious opinions would make it unreasonable, even if it were possible, to retain the same authority over the Church. The more of her opponents, however, they introduced into Parliament, it was manifest that the more did they increase their incompetence. The time might come when the admixture of creeds amongst them would be so strange and particoloured that it would be an insult to public opinion to think of discharging ecclesiastical functions. In introducing these men, therefore, to Parliament, and to other high offices, there existed an absolute tendency to disqualify Parliament from the performance of any duties connected with religion, and therefore, by an easy transition, to overturn the very principles upon which the national religion was based. The further these charges were extended, the more difficult would it be to do that which in ancient times the House of Commons and the Crown had combined to accomplish; and in all such measures as this he contended that there was largely mixed up the danger of subverting the whole superstructure of the established religion. The hon. Gentleman concluded by moving that the bill be read a third time that day six months.

Mr. *Pringle* seconded the amendment. He said that he did so on the ground that it was the paramount duty of a great national Legislature to instruct the people in the principles of the Christian religion The importance and value of christianity were recognised in all the public transactions connected with the State. The bill before the House was an infraction of the constitution. The Jewish nation had committed a great national crime, for which they were now suffering. He thought the Jews had higher destinies than could be bestowed upon them by that House. They were as distinct a nation as were the Israelites of old. He objected to the principle of the bill, as being repugnant to the feelings of Christians, and on that ground it should meet with his resolute opposition.

Mr. *Macaulay*, amidst cries of "Divide," said he could make allowance for hon. Gentlemen, and he would detain the House for a very little while indeed. He would confine himself to a few words upon a remark made by his hon. Friend, and repeated by the hon. Gentleman who seconded the amendment. Those hon. Gentlemen had treated the bill in a very improper manner. They had discussed it as if it would relieve the Jews from all civil disabilities whatever, and would render them eligible to sit in Parliament. The bill had no such object. It was true that his noble Friend (Lord J. Russell) had said, that they ought to be admitted to seats in Parliament, and he (Mr. Macaulay) was of the same opinion. But that was not the question at present. This was a measure for admitting them to civil and municipal offices, and his hon. Friend opposed it, not because he gave any reasons for thinking Jews incompetent to fill such offices, but because he thought them not competent to act in the Legislature. He had listened with great attention to the speech of the hon. Gentleman, and he was quite unable to discover any argument therein against the removal of these Jewish diabilities which might not be urged with equal force against a large proportion of the Members who, at that moment, had seats in the House. His hon. Friend alluded to the prayers which were offered up in that House, and he asked, could Jews join in them? But that was a question which would apply to many Gentlemen already in that House. There was one Gentleman, a member of a highly respectable sect, which considered such a form of prayer to be irreligious. His hon. Friend said, that the prayer asked for the promotion of true religion. But there was as much difference already in the House on the subject of true religion, as there was between the Jew and the Christian. The Roman Catholic differed from the Protestant, and the Unitarian differed from the Trinitarian, as to what was the true religion. Whichever of them was right, there must be great deal of false religion in the House of Commons. But it was not the object of the bill to introduce the Jews to Parliament. He called on every Gentleman who thought the Jews competent to discharge the duties of municipal officers to vote for this bill, without being deterred by an apprehension, that if he conceded now what was right and just, he might next year be asked for something which he considered improper. Political measures were not connected together by so logical a sequence as to make it essential that some further measure must follow this. The hon. Member had started a special ground of apprehension, as he conceived it. He said, that so much attention having of late years been paid to religious questions in that House, and religious disputes continuing to form so prominent a feature in Parliamentary discussions, it would be peculiarly wrong to admit Jews into the House to decide upon matters of such vital interest and importance to the Christian community. In the first place, let him repeat it once more, this was not a bill for admitting Jews to the House of Commons; and, in the second place, even if it were, it was quite impossible, that any Jewish Members of the House could differ more widely from the Christians, upon religious questions, as they came before the House, than the Christian Members did among one another. Take the Scottish Church question, for instance; the Jews were by no means a proselytizing nation, and the utmost they would do, if they interfered and took ever so warm a part, would be perhaps to abolish the present Scottish Established Church, and introduce the voluntary system; and for that matter he (Mr. Macaulay) thought he could find forty Christian Members of the House who would go quite as far. He must say, that he considered it in the highest degree disgraceful to humanity—disgraceful to a civilised community, to treat or speak of the Jews in the manner which had been exhibited on the occasions on which this question had been discussed. Much as he condemned and regretted the conduct of the Church to the Dissenters, he did not see that this bore any comparison with the hardships to which the Jews had been subjected. The hon. Member said, the Jews laboured under no practical grievance, and spoke of their exclusion from office as nothing to be complained of. That incapacity to hold office which, among the other nations was made part of the punishment of crime, was, according to the hon. Gentleman's singular theory, no ground for complaint, no grievance, no oppression, when put into effect against the Jewish nation. What would the hon. Gentleman think if he had been declared incapable of office? or if, to take his own view of the case in hand, he had been excluded from that House of Commons, of which he was so great an ornament, simply because he had happened to differ in religious opinion from the established creed of the country? Before such a principle was adopted some strong public necessity should be shown. Carry out the principle to its legitimate extent, and what would it lead to? Why, in the lapse of time you would be justified in whipping and burning men for holding certain opinions on religious subjects at variance with what had been considered by many to be the test of what was right on the question. Another proposition was advanced, equally extraordinary and objectionable with the other, that there were so very few of the Jews that it did not much matter whether they had a grievance or not. A magnanimous proposition truly! The Roman Catholics of Ireland, because they were millions, and the Protestant Dissenters of England, because they, too, were some millions, had, it seemed, a claim to political liberty, and a claim which, when they insisted upon it, the Duke of Wellington, with all his nerve and courage, had not thought it advisable further to oppose. But the Jews, truly, because they were not millions—because there was no fear of a state rebellion in Petticoat-lane or Duke's-place — were to suffer their grievances in silence. We need not dread formidable meetings like those in the Corn Exchange, if we withheld from them their rights, and therefore it was said they should be withheld. This argument would be equally strong against the Quakers. The number of Quakers was smaller than that of the Jews, and on what principle did they admit the one and exclude the other? It must be remembered also, that this argument told both ways. If on the one hand serious injury to the State was not to be apprehended from the hostility of the Jewish population, on the other hand, there was no reason to apprehend their predominance among the people in such a manner as to diminish the number of Christians, whether they belonged to the Established Church, or to any body of Dissenters. They were a small sect, and not a proselyting one, and therefore, if these circumstances were urged to show there would be no danger in refusing their claims, it might also be used to show, that there would be no danger in granting them. The House of Commons, it had been observed by his hon. Friend, used to exercise functions much more important than now belonged to them. They were formerly called upon to make articles and draw up creeds, and modes of worship, duties which it was not likely they would be again called upon to execute. For his own part, he had of late seen so much proof how little articles and forms were able to bind the ingenuity of casuists, that he should be sorry to see the House again occupied in framing such cobwebs. He could only wish for that which would put an end to this bill and all such bills—enlightened toleration; but if learned persons elsewhere would teach the Jews some of their own ingenuity, there could not then be the slightest doubt but that, as those ingenious persons swallowed confession and absolution, so these tests might also be swallowed by the Jews without the slightest hesitation. He would venture to say, that a better gloss could be found for a Jewish declaration than other glosses which he had seen, and that not merely for the purpose of obtaining civil offices, but in order to hold the faith of Rome with the endowments of the English Church. He regretted, that the hon. Gentleman who had seconded the motion, had introduced some topics which might, in his opinion, have better been omitted. The hon. Gentleman had alluded to the great national crime committed by the Jewish people more than eighteen hundred years ago; but he did not think that House was a proper place in which to make such an allusion. He should at all events say, that, from that event, the most solemn which man could contemplate, there was one lesson to be derived which should not be forgotten. They should remember, that the greatest crime ever committed upon earth was committed by men who knew not what they did under the influence of religious intolerance. For his own part he should say, that on every occasion in which an attempt was made in that House to take away any civil disability imposed upon men in consequence of their religious opinions, it should receive his most strenuous support.

Mr. *Goulburn* had heard with great pain the declaration of the right hon. Gentleman, that he saw no distinction between the religion of the Jews and the Christians. The right hon. Gentleman had said this, not only once, but twice.

If he disavowed it, he was glad to have elicited that disavowal.

Mr. *Macaulay* explained that what he had said was, that there were none of the questions which had been agitated in that House, and to which the hon. Gentleman had referred, on which the hon. Gentleman could possibly differ more from Jewish than he had done from Christian Members of that House.

Mr. *Goulburn* said, the hon. Gentleman said there was an indifference to religion amongst the Members of that House. He had taken down the expressions at the moment they were uttered, and he was extremely happy to have given the right hon. Gentleman an opportunity of disavowing them, though the disavowal amounted to an abandonment of two-thirds of the right hon. Gentleman's argument. The question was, were they to admit into the administration of a Christian community those who held Christianity in aversion and abhorrence? That was the ground taken by his hon. Friend near him. The right hon. Gentleman attempted to grapple with that objection, and in doing so he had used arguments which he had since disavowed. The right hon. Gentleman complained that this particular measure was opposed as if it involved the admission of Jews to all privileges whatever. But did the right hon. Gentleman really mean to deny that this measure was not viewed as a stepping stone to ulterior objects? Did the right hon. Gentleman expect that any Member of the House who had witnessed antecedent proceedings would be so credulous as to suppose that those who urged the present measure aimed at nothing beyond throwing open corporate privileges? Confining himself to the present bill, he could not admit that a Jew could properly take part in the administration of a Christian community. Christianity was part and parcel of the law of the land. Could they admit Jews to offices which might require them to determine questions affecting Christianity? How could a Jew enforce the law against blasphemy or against Sabbath breaking, or determine questions arising from labour performed on a day on which the Jews thought no labour could be conscientiously performed? The Jews themselves had the same objection to admit heathens to the management of Jewish affairs, that he had to admit them to the administration of the laws of a Christian community. He should support the amendment of his hon. Friend.

Sir *R. Inglis* said the discussion could not be confined to the bill alone, because nobody denied that it was intended to lead to further changes. He had mentioned the case of a man imprisoned for blasphemy on a former occasion, who would be most unjustly punished if offices were given to Jews. Exclusion from office was not a punishment. It meant no personal disrespect to the individuals. It was a matter which must be always subject to the freest discretion of the State. They had been told of centuries of misrule in Ireland. He believed there was gross exaggeration in such statements; and whatever misrule there had been, existed long before—distinctions of religious creed had no connection with them. On the principles he had so often stated to the House, he should vote for the amendment of his hon. Friend the Member for Newark.

Viscount *Sandon* did not think there was anything in the religion of a Jew to disqualify him for exercising corporate office. He thought they might very well administer the law as mayor, or in any other municipal office. Therefore, confining himself to the question immediately before the House, he saw no reason for refusing the concession which was demanded.

Mr. *Milnes* agreeing distinctly with his noble Friend who had just sat down, would not, at that fatal hour of the evening, detain the House by any remarks on the principle of the bill. He would only state that the argument that the Jews ought not to be admitted to that House, because they could not take a conscientious part in religious discussions, appeared to him of no validity. Religious questions as debated in that House were also political, and it was only as political questions that they could fitly be discussed there at all; the less the House discussed purely religious questions the better, and if we wanted a proof of this, his right hon. Friend the Secretary at War had furnished it this evening. His right hon. Friend had, unnecessarily, irrelavantly, and unjustly, attacked a body of divines of the Church of England, respecting whose writings the House could know but little and whose principles were at any rate subjects of grave and philosophical discussion. Those principles went far too deep for chance conversation and cursory debate, and he should be happy at any other time and place to argue them out with his right hon. Friend, but he must beg him not to deliver over peremptorily and *ex cathedra* to the Church of Rome, a body of men who professed themselves the most faithful sons, and whom he believed to be distinguished fathers of the Church of England.

Mr. *Divett* said in reply, he thought the hon. Members for the Universities, in their opposision to the bill, had not represented the real Christian feeling of those bodies, but rather the jobbing spirit which too often prevailed there.

The House divided on the question, that the word "now" stand part of the question. Ayes 108; Noes 31: Majority 77.

List of the AYES.

Aglionby, H. A.
Alston, R.
Attwood, M.
Attwood, W.
Bainbridge, E. T.
Barnard, E. G.
Bellew, R. M.
Berkeley, hon. H.
Berkeley, hon. C.
Bowes, J.
Brocklehurst, J.
Brotherton, J.
Bruges, W. H. L.
Bulwer, Sir L.
Busfeild, W.
Byng, G.
Chalmers, P.
Cowper, hon. W. F.
Craig, W. G.
Davies, Colonel
Duff, J.
Easthope, J.
Elliot, hon. J. E.
Ellice, E.
Evans, G.
Evans, W.
Fazakerley, J. N.
Freshfield, J. W.
Gordon, R.
Greg, R. H.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Hawkins, J. H.
Herries, rt. hn. J. C.
Hill, Lord A. M. C.
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.
Horsman, E.
Howard, P. H.
Howard, hn. C. W. G.
Hume, J.
Hutt, W.
Hutton, R.
Jones, J.
Langdale, hon. C.
Leader, J. T.
Lemon, Sir C.
Lennox, Lord A.
Lowther, J. H.
Lushington, C.
Lushington, rt. hn. S.
Macaulay, rt. hn. T. B.
Martin, J.
Maule, hon. F.
Mildmay, P. St. J.
Milnes, R. M.
Molesworth, Sir W.
Morpeth, Viscount
Morris, D.
Morrison, J.
Muntz, G. F.
Muskett, G. A.
O'Brien, W. S.
O'Connell, J.
O'Connell, M.
Oswald, J.
Parker, J.
Pechell, Captain
Philips, M.
Pigot, rt. hn. D.
Pryme, G.
Ramsbottom, J.
Rawdon, Col. J. D.
Rice, E. R.
Roche, W.
Salwey, Colonel
Sandon, Viscount
Seymour, Lord
Sheil, rt. hon. R. L.
Slaney, R. A.
Smith, J. A.
Smith, G. R.
Somers, J. P.
Somerville, Sir W. M.
Stanley, hon. E. J.
Staunton, Sir G. T.
Steuart, R.
Stewart, J.
Stuart, W. V.
Stock, Mr. Serjeant
Strutt, E.
Style, Sir C.
Tavistock, Marquess
Thornely, T.
Tufnell, H.
Turner, E.
Villiers, hon. C. P.
Wall, C. B.
Warburton, H.
Ward, H. G.
White, A.
Williams, W.
Wilshere, W.
Wood, C.
Wood, G. W.
Wood B.
Wyse, T.

TELLERS.
Hawes, B.
Divett, E.

List of the NOES.

Acland, T. D.
Antrobus, E.
Arbuthnott, hon. H.
Broadley, H.
Buller, Sir J. Y.
Darby, G.
Duffield, T.
Estcourt, T.
Gladstone, J. N.
Glynne, Sir S. R.
Gore, O. J. R.
Goulburn, rt. hon. H.
Grimsditch, T.
Lockhart, A. M.
Lygon, hon. General
Mackenzie, T.
Maunsell, T. P.
Neeld, J.
Neeld, J.
Palmer, G.
Perceval, Colonel
Pringle, A.
Richards, R.
Rickford, W.
Rose, rt. hon. Sir G.
Rushbrooke, Colonel
Sibthorp, Colonel
Smyth, Sir G. H.
Trotter, J.
Vere, Sir C. B.
Whitmore, T. C.

TELLERS.
Gladstone, W. E.
Inglis, Sir R. H.

Bill read a third time and passed.

HOUSE OF LORDS,

Thursday, April 1, 1841.

MINUTES.] Bills. Read a first time:—Jews Declaration; Population Acts Amendment.

Petitions presented. By the Earl of Rosebery, from the Corporation of Northampton, for the Jews Declaration Bill.—By the Bishop of Winchester, from Farnham, against Idolatry in India; and from Ham, for Church Extension.—By Lord Ellenborough, from Chelsea, for the Abolition of the Bridge Tolls.—By Lord Monteagle, from the Presbytery of Coleraine, for the Abolition of Church Patronage in Scotland.—By the Marquess of Breadalbane, from the Ministers and Elders of the General Assembly of the Church of Scotland, and other persons, against Sunday Travelling by Railroads.—By Lord Fitzgerald, from Landowners of Galway, complaining of the Grand Jury Cess Bill.

DRAINAGE OF BUILDINGS.] The Marquess of *Normanby* presented the report of the Select Committee to which the Borough Improvement Bill and the Drainage of Buildings Bill were referred. Their Lordships were aware, that the Drainage of Buildings Bill, had been divided into two bills—the Borough Improvement Bill and the Drainage of Buildings Bill. The amendments made in the latter, were of a very important character, and would, he was convinced, be attended with the most beneficial effects. The subject had been carefully investigated, and every suggestion for the improvement of the bill had been most attentively considered. He should propose, that the bill be referred to a Committee of the whole House to-morrow. He was anxious, that it should be passed as soon as possible; because, the profits derived from building tenements for the residence of the poor, were so great, that many speculators were at present employed in erecting houses of an indifferent description, which would not come under the provisions of the bill, if they were completed before it became a law.

Lord *Ellenborough* thought, that a clause might be introduced to meet the case of all buildings commenced after the introduction of the bill.

Lord *Ashburton* said, there was one great grievance which the noble Marquess had altogether omitted from the bill—the burying of dead bodies in neighbourhoods where there was scarcely room for the living. He thought there ought to be some provision made with respect to that subject.

Bills to be committed.

POOR-LAW, (IRELAND)—CLONMEL UNION.] Their Lordships again examined witnesses on the conduct of the Poor-law Commissioners in relation to the Clonmel Union, and then adjourned.

HOUSE OF COMMONS,

Thursday, April 1, 1841.

MINUTES.] Bills. Read a first time:—Indemnity; Turnpike Roads and Railways.—Read a second time:—South Australia.—Read a third time:—Tithes Recovery.

Petitions presented. By Mr. H. Smith, Mr. Burroughes, Mr. B. Gore, Mr. Gally Knight, and others, from Essex, Shropshire, Nottinghamshire, and other places, for Church Extension.—By Mr. H. Smith, from Essex, against any further grant to Maynooth College.—By Lord Barrington, Mr. Langdale, from the Catholics of Liverpool, of Newcastle-upon-Tyne, and a place in Warwickshire, Mr. Grote, from Honiton, and Sir R. Peel, from the Guardians of the Stockbridge Union, for Alteration in the Poor-law Amendment Bill.—By Mr. Villiers, from six Parishes in Leicestershire, and by Mr. R. Stuart, from Scotland, for Repeal of the Corn-laws.—By Mr. T. Duncombe, from the Tower Hamlets Association, from Shoreditch, and from Manchester, for the Liberation of Prisoners for Political Offences, and of Messrs. Frost, Williams, and Jones, and for the adoption of the Charter.—By General Johnson, from Seaham, for the Release of Political Offenders.—By Mr. Robert Stuart, and Mr. Elliot, from places in Scotland, for the Abolition of Church Patronage.

POOLE UNION—PETER RICKETS AND REBECCA MOORE.] Colonel *Sibthorp* rose, pursuant to notice, to move

"That there be laid before the House copies of entries on the books of the Poole Union with regard to the case of the child of Peter Rickets, deceased; return of the period at which application was first made for relief, the name of the relieving officer to whom such application was made, with the reply thereto; the name of the officer at present holding the situation of relieving officer, and whether he holds any other appointment, and what appointment, besides that of relieving officer; also, specifying the day on which the child died, and of what complaint or disease; whether any report was made relative to the said child, during any period, to the Poor-law commissioners or the assistant Poor-law commissioners, by whom and at what period such report was made; also copies of the correspondence that took place relative to the above case, with the results thereof; whether any inquest was held on the body of the child; if so, where and at what period; the name of the coroner, and the verdict of the jury. Returns specifying the period at which application was first made, and to whom, for out-door relief to Rebecca Moore, and the sum, and also for what period it was granted weekly; the period at which Rebecca Moore was first admitted into the Poole Union, and at what period she died there, and also the complaint of which she died; the names of the relieving officers at the time Rebecca Moore was an inmate, and whether any other officer has been subsequently appointed to that situation, the name of the officer so appointed, and whether he holds any, and, if any, what other appointment besides that of relieving officer; whether any report relative to the case of Rebecca Moore has been at any time made either to the Poor-law commissioners or the Assistant Poor-law commissioners, by whom the report was made, and at what period. Also, copies of the correspondence that took place with any, with what persons, and the result thereof."

The hon. and gallant Member said, that after the manner in which his motion on this subject had been treated on a former evening he felt it to be his duty to persevere in asking for the returns. He was actuated on this occasion by a sense of duty, which had always been his guide. He felt it his duty to bring before the House every case of oppression or hardship of which he could obtain correct information, and which arose out of the working of the Poor-law Amendment Bill, for to the principle and the details of that bill he was and should be opposed. The hon. Gentleman the Under Secretary for the Home Department had said that everybody had some of the returns for which he was now moving, but he wanted that every body out of as well as in that House should have it. He sincerely said, "Would to God that such cases as the returns referred to never had occurred." The hon. Member here referred to some letters which he had received on the case of Rebecca Moore. The writer of one letter stated that he had seen in *The Times* his notice of motion on that case, and could give him information respecting it from his own personal observation. Would it be believed, that though this poor woman had been described by the medical man as requiring wine and meat and other nutritive diet, she had been allowed to linger on for many months on the pitiful allowance of 2*s.* 6*d.* per week? Her complaint was described as an abscess, which required more nutritive diet than she could afford. The case was pressed on the attention of the board of guardians by Mr. Parker, but they refused to interfere, and Mr. Parker assisted the poor woman out of his own pocket. The entries in the books would show that wine and meat daily were necessary for her, and in fact it could be shown that she died from the want of those necessaries which her case required. The orders of the medical man had not been complied with, and the female had been treated with the utmost neglect, and died in consequence, while another female residing in the same parish was in the receipt of 4*s.* per week of the public money. A man named Peter Rickets had applied on the Wednesday to the relieving officer to afford relief to his child, which could not live for many days. The relieving officer said that he could do nothing for him, and that he must come to the board on the following Tuesday. But the child died on the intervening Sunday, and the relieving officer never went near it, nor made any inquiry concerning it. The noble Lord opposite had promised some time since that this case should be brought under the especial notice of the Poor-law commissioners. Why had not the commissioners given in their answer sooner than they did? Their explanation, when it came, was most unsatisfactory. The commissioners stated that, in the two cases referred to, there had been an omission of duty on the part of the relieving officer; but that they made allowance for him. Allowance, when two people had lost their lives! And why did they make allowance? Because he had been recently appointed. Why appoint any but competent persons? The assistant-commissioners were ordered to report to the chief commissioners every three months. How futile was this arrangement? Here were two deaths, and before a proper inquiry could be instituted they might have to wait for a period of three months. The hon. Member concluded by moving his resolutions.

Mr. *F. Maule* was not prepared to offer any opposition to the hon. and gallant Gentleman. The entire correspondence between the Poor-law Commissioners and the local authorities, with reference to these cases, would be speedily laid on the Table of the House.

Returns ordered.

IMPROVEMENT OF DUBLIN.] Viscount *Morpeth* moved for a Committee to consider of the propriety of authorising the Commissioners of Wide Streets to sell, and her Majesty to purchase, certain hereditaments in the city of Dublin, on the north bank of the river Anna Liffey. The noble Lord stated, that the object of the bill was to open the space between the Royal Barracks and the Liffey, which would be a material improvement in the appearance of the city of Dublin, and would contribute most essentially to the healthfulness and safety of the inhabitants.

Sir *R. Peel* inquired whether the ground thus purchased would be appropriated in any way to the recreation of the people of Dublin.

Viscount *Morpeth* replied, that it would be used both for the exercise of the troops and the recreation of the inhabitants.

Motion agreed to, Committee on the following day.

ORDNANCE SURVEY.] The Order of the Day having been read for going into Committee on the Ordnance Survey Bill.

Lord *G. Somerset* said, he should take the sense of the House on the bill, and after striking out the first clause, he should endeavour to do away with the machinery of high constables. He thought a proper survey should be made in a proper manner, by persons delegated by Government. He said delegated by the Government, because there would be in the survey interference with private property. There were many provisions of the bill to which he greatly objected. He objected to lords lieutenant of counties having anything to do with the selection of the parties who were to mark out the boundaries. The next part of the machinery to which he objected was the country surveyors.

He thought the appointment of such an officer was extremely wrong, because generally speaking, he was a man of little or no education, and, therefore, it was to be supposed that he would not understand the business that was to be delegated to him. He had several amendments to propose; and he hoped, therefore, the hon. and gallant Officer would postpone the committee till after Easter.

Sir *H. Vivian* said, that he was disposed to give his best consideration to the noble Lord's amendments. With regard to the interpretation clause, the object was to secure the assistance of persons best acquainted with the locality under survey, and not to interfere with private property in any way whatever. If the noble Lord would allow the Bill to go through committee *pro formâ* that night, the amendments would be printed with the bill, and be in the hands of Members on Monday.

Lord *G. Somerset* said, that he would not object to this course, with the understanding that the consideration of the report would be postponed.

The bill went through Committee *pro formâ*, was reported, and ordered to be printed with amendments.

Poor Law Commission.] House in Committee on the Poor Law Amendment Bill.

On the 18th clause, empowering guardians of unions to contract with guardians of other unions for the maintenance of their poor for a period not exceeding seven years,

Lord *G. Somerset* said the object of this clause was to enable guardians of any parish or union having more workhouse room than the poor of such union required, to let out their surplus room to any other parish or union having a pressure of paupers more than they could accommodate. He admitted, that cases might arise when, from some temporary pressure, such a power might be convenient. But there was that expressed in the clause which raised some jealousy in his mind: it was this, that such board of management should have the power to contract with the guardians, &c. of any parish or union for the maintenance and management of such poor in such manner and for such period not exceeding seven years. This he thought, was an improper provision, for it went not to remove the source of any temporary difficulty, but enabled any union to make permanent arrangement for the support and maintenance of the poor out of such union. He objected to this power on many grounds. First, it would have the effect, so far as the principle was concerned, of re-introducing one of the evils set forth so prominently by the commissioners in that report on which the present act was founded. Those contracts would lead to competition, and those who would supply the cheapest would be taken, and thus the poor would suffer. The clause gave the power of selecting classes from one union and transferring them to another and a distant workhouse; thus the husband might be separated from the wife, the child from the parent, and, still farther, the pauper might be removed from all his connexions, and all genial ties and kindly attentions might be severed. He had spoken so far of those who were in the habit of receiving parish relief; but the objection in respect to the able-bodied labourer was still stronger. What could be so hard as to remove the able-bodied labourer, as the condition of some temporary relief, from that district wherein he has long resided, wherein he has borne a good character, and where he has the best chance of obtaining employment, to a distant part of the country, where he would be unknown? In this respect, he thought the clause would be most unjust to the labourer, and disadvantageous to the ratepayer. One chief ground on which the workhouse test was defended was, that it tended to make persons depend upon their own exertions, and to deter them from applying for parochial relief till actually compelled to do so. He did not, however, think, that the momentary cessation of employment was the time when that test should be carried into effect in all its rigour.

Mr. *Wakley* here said, that he intended to move the omission of the whole clause, and he apprehended that his amendment would come in order before that of the noble Lord.

The *Chairman* said, the hon. Member could make his motion after the clause was amended.

Lord *G. Somerset* said he was about to explain, that he intended to propose the omission of the clause, should he not succeed with his amendment; but he thought he would first endeavour to make the clause as good as he could, lest he should not prevail upon the House to agree to its being struck out. The noble Lord then moved the following proviso :—

> "Provided always that nothing herein contained shall authorise the placing of men and their wives, children and their parents, in separate establishments, or the removal of any paupers, whatever, out of the precincts of the union in which they may be settled, against their consent."

Lord *J. Russell* wished to address a few words to the House as to the purport of this clause. The intention of it was not quite what the noble Lord opposite supposed. One of many reasons for it was, that there were many unions where the workhouses were not sufficiently large to receive the inmates who were sent there, and it would therefore be more advantageous to the poor to be sent from a workhouse of that description to another where there was a sufficient establishment and more accommodation. However, that was a temporary reason; but there had been certain cases where it would have been desirable to remove paupers from one workhouse to another. At the same time that that was the general object of the clause, he admitted there was great force in the noble Lord's objection, so far as it related to the clause in the words in which it was then drawn up, as it might be hereafter used for purposes for which it was not intended, and might not only cause considerable dissatisfaction among the poor, but might produce much practical inconvenience. With respect to amending the clause, there were two modes in which it occurred to him that that might be done. One way would be to prevent a contract being made with any union so that paupers might be removed to any great distance—they might say perhaps greater than ten miles—from the precincts of their own union. The noble Lord proposed, that the paupers should not be removed without their consent; but surely the noble Lord would see, that such an amendment would practically defeat the operation of the clause, because guardians would not contract if afterwards they had to ask the consent of the paupers in the workhouse; besides which, it was hardly possible to say they asked the consent of the paupers as to their removal from one workhouse to another, when they afterwards required them to be taken back to their own union. But the consent was uncertain; and it would therefore be impossible for any person to attempt to put the clause into operation. Another mode which occurred to him of amending this clause, although it might be giving up the original object of it, would be to confine it entirely to the management of the infant poor, so that they were not removed beyond ten miles from their own union. If either of those words should meet with the concurrence of the Committee he was ready to propose such an amendment; only saying that, he could not agree with the last words of the amendment of the noble Lord as to the consent of the paupers, because he thought they would render the clause altogether nugatory. With regard to this last question, he had stated, that as to the infant poor, he thought the Committee would see there might be circumstances in which it would be desirable that they should be removed from one workhouse to another. It would also be more desirable to use buildings that were already erected, and the boards of guardians might agree together for that purpose, rather than erect new buildings.

Mr. *Goulburn* could not think that either alternative of the noble Lord would meet the difficulty of this particular clause. He entertained this apprehension as to the working of this part of the law :—It frequently happened that work-houses were for a considerable period destitute of inhabitants, and during that time the guardians were anxious to receive persons into them who might be willing to pay for their maintenance there, in order to meet the expense to which the establishment was subject; but if those guardians contracted for seven years to receive at all times persons who were distressed, they would block up their own work-houses effectually, and when the period arrived at which their work-houses were not competent to accommodate those who were desirous of being received into it, they would find it necessary to resort to out-door relief to a considerable degree. That was a serious danger which the clause of the noble Lord was likely to produce, and for that reason he thought it better that the clause should be withdrawn. He very much objected to making the clause apply only to children, because the general ground on which they had proposed that the schools for children of the poor should be distinct from the workhouse was that they might give them better instruction; but if they only removed them from one workhouse to another, where there was not a separate system of education under the control of a board of management, he should object to that mode of proceeding, and he thought those who were most anxious on the subject of education would unite with him in that objection.

Mr. *Ward* supported the expediency of withdrawing the clause altogether.

Clause withdrawn.

Mr. *Gisborne* wished to ask the noble Lord whether there was any objection to those amendments which had been already agreed to being printed and delivered with the votes?

Sir *E. Knatchbull* did not know whether the practice of the House allowed of that being done; but if it did it would be very convenient. The next week would be the vacation; and when he returned to the country, he had no doubt one of the first questions he should be asked would be, "Well! what are you doing with the New Poor-law?" But he should really have great difficulty in giving an answer. It was most desirable that all hon. Members should have a distinct knowledge of what had already been done on the subject.

Lord *J. Russell* said, he believed there was no objection to the request of the hon. Member being complied with, it being understood, however, in the first place, that particular words in particular clauses were not to be considered as words that might be finally adopted; because in several cases they were introduced rather to show the intention of the committee than to express correctly that intention; and, in the next place, that they should do something that was conformable to the rules of the House. Now he did not know whether there was any objection, after the bill being considered in committee to-morrow night, that they should agree to the remaining clauses in the bill, it being understood, however, that when they should go into committee again, they should begin where they really left off in the consideration of the clauses. If the House agreed to that course, the bill would be reprinted, and he thought hon. Members might then see what was the general substance and intention of its provisions. And he hoped that the right hon. Gentleman, as well as others, if they were asked any question on the subject, would explain that the committee had still to consider various words in the clauses, which were intended only to give some knowledge of what was intended to be done.

Viscount *Sandon* thought it would be desirable to show in some way how far they had really proceeded in the bill.

Lord *G. Somerset* understood that could not be done; but he had heard from a high authority in that House that there was no objection to the clauses as amended being re-printed.

On the 19th clause, which enacts,—

"That so long as the husband of any woman shall be beyond the seas, or in custody of the law, or shall be a lunatic or idiot, his wife shall, notwithstanding her coverture, be legally bound to maintain herself and her children in the like manner in all respects as a widow, and that relief to the child or children of any married woman, whose husband shall refuse or neglect to maintain his family, or shall leave his family chargeable, or so that it may become chargeable, shall be considered relief to the mother."

Mr. *Wakley* said, the right hon. Baronet the Member for Kent had just observed, that he should not know what to say when he was asked what they had done with the New Poor-law. He believed there were many hon. Members in that House similarly circumstanced, and he thought many of them would not know so well even as the right hon. Baronet how to answer; because the right hon. Baronet had given the bill his most strenuous opposition; and he believed that many hon. Members would be very glad if they had had the opportunity of doing the same. The 18th clause they had expunged; and certainly he had reason to rejoice at such a circumstance. That clause was probably the most savage in principle that the bill contained. [*Cries of No, no.*] Yes, he had no desire to revive it, that was not his business; but he was about to compare it with the clause that followed, the 19th. What did that clause do? It had been conceived in the same spirit, and in the same place, and with the same view. How ought it to be treated by that House? Ought such a clause to be deliberately and coolly and calmly sanctioned there? He knew it had been stated that they ought not to speak on that bill which excited feelings; but various clauses of it contained such an insult to the ordinary feelings of humanity, that there was the greatest difficulty in controlling the reason so as to discuss any proposition of it with that calmness which the subject should demand. Now as to this clause, the 19th, suppose a man absent—who had forsaken his family—and his wife was left destitute; relief to that woman under such circumstances, or to her children, was to be deemed such relief to her as to make her responsible for it in law. She was, in fact, to be placed in the same circumstances as a widow. The widow might have lost her husband in the ordinary course of nature, or by disease, without his having been instrumental by his own misconduct in producing that disease; but in the other case, the woman might have been abandoned by her husband for twenty or thirty years; her husband might have neglected his offspring? he might have treated her and them like brutes, and yet what did this clause propose? That after a woman had suffered so much torture she should be put in debt to the guardians all her days. And this was a clause made for relieving the distress of the poor. The noble Lord with great candour, and good sense, and good feeling, had consented to expunge the last clause; he would then, entreat him to exert his manly and masculine disposition with respect to this clause, and to protect these unfortunate women and children against what was designed for them by the framers of this vile proposition.

Captain *Pechell* was sorry the learned Attorney-general was not present whilst this clause was being discussed, because the hon. and learned Gentleman in the year 1835 had declared the state of the law to be clear and defined against the unfortunate petitioner whose case he had on a former occasion brought before the House. He trusted the noble Lord would relieve these unfortunate wives who were deserted by their husbands from the persecution of the Poor-law commissioners.

Lord *John Russell* said, that the hon. Member for Finsbury had spoken of the former clause as being conceived in a savage spirit, and had described the bill in general as an insult to humanity; and the hon. Gentleman who last spoke had talked of the persecution of the Poor-law Commissioners. If any censure was cast upon them with respect to their own conduct, they were then exceedingly sore and sensitive; but when the Poor-law commissioners were concerned they were immediately charged with a degree of inhumanity, cruelty, and savage spirit hardly found among barbarians. The hon. Gentlemen who made these charges would not bear to have imputed to themselves anything but the purest motives and the most sublime humanity. He must say that there was inhumanity in needlessly and improperly throwing a burthen on those classes who contributed to the Poor-rates. Take the case of a labouring man who performed his duty, working from morning till night, and employing his earnings in the support of his wife and children. Was this man to be burthened in order to support another family, from which the father went away collusively? Was there to be no feeling for the man who acted steadily, and laboured honestly for his own support and that of his family, and were the only persons to be cared for those who endeavoured to evade the duties they ought to perform, and throw their families on the parish? He remembered bringing before the committee of the House of Commons, sixteen years ago, a labourer who supported a wife and eight children, and earned but moderate wages. He brought them all up, and never once applied to the parish for relief. He thought the House ought to take into consideration the case of such men as this, and when they found, as he was informed, that the instances were now exceedingly common of men going away and leaving their families chargeable to the parish, they ought to do their utmost to prevent such an evasion of the law. This was the whole object of the clause. He understood that with regard to the case of persons transported or in custody no objection was made. With respect to the case of men going away from their wives, who were in a condition to support their children, the clause left them liable to the same obligation as was imposed on widows, and he believed the enactment was perfectly fair.

Mr. *Darby* was of opinion that the whole of the clauses of the bill required explanation, and he was sure that the noble Lord did not understand the intention of many of them. With respect to the clause under consideration, he confessed he did not know what the effect of it would be. If a man left his family, the clause enacted that relief to the children should be relief to the mother. Now, according to the existing law, this was relief to the husband, and was it intended that he should be discharged from that obligation? This clause could not possibly act as example, and thereby tend to the saving of expense. No man who was heartless enough to desert his family would return to them because he saw them forced to enter the workhouse. There could be no doubt that less burthen would be thrown upon the parish by allowing women deserted by their husbands a little out-door relief than by compelling them to enter the workhouse.

Mr. *Slaney* apprehended that the intention of the clause was to place these women in the same situation as widows. The Committee would presently come to the discussion of the case of widows, and would have then an opportunity of deciding whether relief should be allowed them out of the workhouse or in the workhouse. He was of opinion that there should be some discretion left to allow the relief of widows out of the workhouse; and if the Committee were of the same opinion, it would follow that women deserted by their husbands would be allowed relief out of the workhouse.

Mr. *Darby* explained. The wives of men, who went beyond the seas were, by the clause, placed in the situation of widows, but with regard to those whose husbands refused or neglected to maintain their families it enacted that the relief given to the children should be deemed relief to the mother.

Mr. *Muntz* hoped the noble Lord would withdraw the clause, because of its entire inutility. If it had any meaning at all, perhaps the hon. and learned Gentleman, the Solicitor-general would explain it to the Committee.

Sir *E. Knatchbull* thought he must be a bold man who ventured to say he understood the clause. He agreed in the general principle stated by the noble Lord, that the industrious labourer ought not to be taxed to support the idler. The hon. Member for Finsbury was good enough to say, that he was a strong opponent of the bill. Now, he had acted solely on the same principle has had guided the hon. Member. He had determined to consider the bill in committee, solely for the purpose of making it as good as he could. He felt throughout, that the provisions of the first act were more stringent than they need be, and he wished to see how far they might be relaxed. As the Attorney-general was not present, the Solicitor-general would probably favour the Committee with his opinion as to the intention of the clause. Women deserted by their husbands must have, if in a state of destitution, relief given them, either in or out of the workhouse, and, in his opinion, the latter mode would, in many instances, be found the less expensive. As a magistrate, he had often been compelled to send the father of a family to gaol, and immediately the wife and children asked in what manner they were to be supported. If they were able to support themselves, he, of course, refused to grant them relief, but in a case of necessity what was to be done? He repeated, they must either be relieved in the workhouse or out of the workhouse. If they were consigned to the workhouse for the whole period of the father's imprisonment, he was then told by the parish officers that the cost of the parish would be much less if a small pittance were allowed to them out of the workhouse.

The *Solicitor-General* said, it was not material for the purpose of deciding whether this clause should be adopted or not, what was formerly the state of the law (though there might be some analogy in the cases which had been put;) but let the old law be as it might, still the propriety of this clause remained the subject for the consideration of the Committee. It was generally considered that the wife of a person who was transported beyond seas was, for most purposes, a *femme sole.* That, however, was subject to some uncertainty, as there were some doubt whether a woman so situated could be made a bankrupt of. But whether a married woman were liable was not a matter pertinent to this clause, because it went further to create a liability on the part of a married woman. It was plain that this clause met the case of transportation, because it applied to so long as the husband should be in the custody of the law, or should be a lunatic or an idiot; he took it, therefore, that whenever the husband was absent from the wife, the effect of this clause was to charge the wife with the support of the children, as if she had been a widow. This would entitle her to those considerations which the House might think fit to apply when they came to the clause applying to married women. One part of the clause dealt with the case where the husband was present or absent, the other portion applied to the case where the husband refused or neglected to support his family, or left his wife and children, and in the latter instance relief given to the children was to be regarded as relief given to the mother. The proper matter for the Committee to determine was the degree of responsibility which should be thrown on the married woman under the circumstances to which he had alluded.

Lord *G. Somerset* was sure that the committee felt obliged to the hon. and learned Gentleman for his explanation. With respect to this clause, it was quite plain that a very extensive and severe alteration of the law against married women was now for the first time brought forward. The hon. Gentleman the Solicitor-general had properly divided the clause into two parts. With respect to the first portion of the clause, he could not help thinking that if they left the words of the clause as they stood, they would revolutionize the condition of the married women of this country more extensively than any bill of this kind ought to do. Now it would not, as the clause stood, be confined merely to persons seeking parochial relief, but would apply to all married women whose husbands happened to be beyond the seas. He did not think that it was in committee upon a bill of this kind they could with propriety introduce an alteration so wide and so extensive as this. So far as that portion of the clause was concerned, it should have his (Lord G. Somerset's) most strenuous opposition. The committee ought to consider that this clause would apply to a very large class; namely, the wives of soldiers and sailors, in whose condition it would make a very severe alteration. By this clause new obligations would be thrown on them. Even if the clause went to affect no other class, he was sure that the House would never sanction it. Was there any justice in throwing the burthen of supporting her family on the wife when the husband refused to maintain them. The fact of the husband refusing showed that he was within the law, and why not then enforce the law against him instead of throwing the whole burthen upon the wife. He did not wish to speak harshly of the Poor-law commissioners, but he thought they were too prone to recommend a one-sided remedy. In this case they merely looked to the necessity of providing a check against women of bad character, without considering the disadvantage they might inflict upon women of good character. Now there was another point of view in which the hardship of this clause ought to be considered. If the wife was frugal and industrious, and preferred the utmost severity of toil and exertion to support her family rather than go into the workhouse, in that case no one had an interest in seeking out her husband. But the moment she came upon the workhouse, then the parish officers at once had an interest in endeavouring to find out the husband, in order to relieve the parish from the burden. He hoped the noble Lord would see the necessity of withdrawing the clause.

Mr. *Freshfield* said, the object of the clause was explained to be to prevent collusion between the husband and wife. But in the case of a husband who was an idiot there could be no collusion, and suppose a wife in such case able to maintain herself, would they in that case add to the misfortune of her situation by throwing upon her the burthen she was unable to bear, of supporting her family.

Mr. *T. Duncombe* had not been able to gather from the speech of the hon. and learned Gentleman whether he was in favour of or opposed to the clause, but he must say, that the noble Lord opposite had completely made out the charge made by his hon. Friend the Member for Finsbury, that it was inhuman. The noble Lord had even gone further; he had spoken of it as a revolutionary clause—a clause which created a great revolution in the state of the married women of this country. When this bill was first proposed the object was stated to be not only to amend the Poor-laws, but to remedy many of its rigours. It had at all events been satisfactorily proved to the committee by the speech of the Solicitor-general that by this clause the law would be made much more rigid as against married women than it had been hitherto. What right had they to do that? Was public feeling sufficiently in favour of this bill to justify them in proposing such a clause? He thought the speech of the noble Lord would satisfy the committee that the clause ought to be expunged. His hon. Friend the Member for Somerset, had argued in favour of the clause: and upon what ground? Why upon the ground of the possibility of a fraudulent application for relief. Were all the applications necessarily fraudulent? Might there not be many virtuous and industrious women who, with five or six children, had been deserted by their husbands? Yet such persons were to be compelled to come into the house and suffer all the indignities to which individuals were exposed in a union workhouse. He sincerely hoped that the committee would expunge the clause.

Sir *C. Grey* said, that this clause would have the most beneficial effect on those to whom it was intended to apply. Its main object was to preserve those family ties which were so often broken by the neglect or misconduct of a husband. The object of the clause was to hold out no inducement to a wife to desert her offspring when they had been abandoned by their father. The object, on the contrary, was, to maintain the family ties. The effect o. the clause was merely to give the children a title to the protection of their remaining parent. It was a humane clause and beneficial to the parties to whom it related.

Mr. *T. Duncombe* could assure the right hon. Gentleman who had just sat down, that nothing was farther from his thoughts than to treat the clause with ridicule. It was only in reference to an expression of the right hon. Gentleman, that he had been induced to smile. He heard nothing to induce him to support the clause.

Captain *Pechell* said, the noble Lord had found fault with his remarks with regard to the conduct of the Poor-law commissioners, but he begged to state that his remarks merely applied to individual cases, and more especially to that of Jane Champion.

Sir *T. Acland* did not think the committee was quite ripe for the decision of the clause then before it. He did not think there was any situation in which a woman was entitled to greater commiseration than that of widowhood—and in the temporary widowhood to which the clause applied, he was willing to place her in the same situation as the law placed a widow in reality. He thought the case was one in which a discretion might very fairly be left to the Board of Guardians, and he would suggest the propriety of postponing the clause.

Dr. *Lushington* earnestly hoped that this clause would not be pressed upon the House for its adoption; for, having listened to the arguments which had been advanced, it appeared to him that the objections urged by the noble Lord opposite (Lord G. Somerset) had not been satisfactorily answered. But, allowing the consistency of the clause, let it be remembered that they had not the power to entitle the married woman to those rights which were given to others differently situated. But the hardship in this clause was the case of wives of seamen, for instance; and that objection remained unanswered. Surely there was a paramount duty on the part of the Legislature to make provision, temporarily at least, for the wives of men who were engaged either in the navy or in our commercial marine. Theirs were cases in which there could be no collusion. So in the case of insanity, surely there could be no possibility of collusion. Now, take a married woman with two or three children of seven to eight years of age. If she came for relief (though the husband might return within a certain period) she was to be told that, because she required relief, she should be compelled to go into the workhouse. He entirely protested against this hardship. As regarded children above seven years of age, the objection would be equally strong. He therefore trusted his noble Friend would not press the clause.

Sir *H. Verney* would not vote against the clause, but he should certainly concur in the recommendation to postpone it. He had had some experience in the working of the Poor-laws, and he believed, that they could not compel the wives of sailors to go into the workhouse.

Mr. *Ainsworth* would vote for a discretionary power being placed in the hands of the guardians as to whether the woman was entitled to relief or not. If they thought the case was one in which she should go into the workhouse, they ought to have the power to compel her to do so.

Mr. *Wakley* had moved the expulsion of the clause, and ample grounds had been given for it. Gentlemen of the highest professional acquirements had spoken upon the clause, and had given the most opposite opinions upon it.

Lord *John Russell* admitted, that the general opinion of the House seemed against the clause as it now stood. Before he stated what he meant to propose, he would allude to the hardship of the law at present, and he would remind the House that in considering the relief that should be given to certain classes, it should be remembered, that there were no abundant funds from which to draw, but while you relieved one class you imposed a burden on another. Now, what was the actual state of the present law? Suppose a man went to sea at high wages, having made an agreement that his wife should receive a certain sum every month out of his pay, that woman might yet, under the law as it now stood, apply to the parish for relief for her children. If the children were under seven years of age, she might get out-door relief for them; if they were above that age, they must be taken into the workhouse, but the woman would not be asked for anything towards their support. Again, if a woman, whose husband had gone to work at a distance, and who was transmitting to her a part of his wages, thought proper to keep the wages to herself, she might do so, and apply to the parish for assistance for her children; but, as regarded a man working in the neighbourhood if he should apply to the parish for relief, stating that his wages were insufficient for the support of his family, the answer would be, "You and your family must come into the workhouse—relief will be given on no other terms." So also in the case of a widow under the present law, it would be competent for the commissioners or the guardians to say, "though you are destitute, and though, if your husband were alive, you might be supported by his wages, still there is no other relief for you now than to come into the workhouse." Now this being the state of the case at present, was it not a hardship to say that the law in that respect should be maintained, while an advantage would be given to those women who had husbands at sea, part of whose wages they received, and those who were assisted by husbands working at a distance? Was it not a hardship that the husband working near home on insufficient wages, and the widow, should be treated with such severity? He therefore, thought, that some amendment in that part of the present law should be effected, bearing in mind at the same time, that while we proposed to relieve a certain class, many of the rate payers on whom the burden would fall were themselves very poor. But after what had been said by his right hon. Friend the Solicitor-general and others, he would not now press this clause. He was willing to postpone it.

Lord *G. Somerset* suggested, that the noble Lord would do better to strike out the clause altogether, and he could bring in another after the amendments coming before the House had been discussed.

Clause struck out.

On clause 21, respecting the management of children within the bills of mortality, being proposed,

Mr. *Grimsditch* objected to the clause as giving too much power to the commissioners to interfere with and supersede at their pleasure the laws of the land.

Mr. *Wakley* asked whether the Act 7th of George 3rd, was to be considered as repealed by this clause, or was it to be left to the commissioners to set aside acts of Parliament, or allow them to have force just as they pleased.

Lord *John Russell* said, the clause would not repeal the 7th of George 3rd, which one hon. Gentleman had alluded to, and of course while one authority was acting the other would not. The machinery proposed by this clause would be found much better for the interests of the children than that of the 7th of George 3rd, and he had the greatest confidence in the use the Poor-law commissioners would make of their powers.

Colonel *Sibthorp* objected to the clause, and thought that as so many clauses were objectionable, and so many had already been struck out, the best and shortest way would be to strike out the bill altogether.

Clause agreed to.

Clause 22, giving additional powers to guardians within the metropolitan districts to borrow money on the rates for building workhouses, being proposed,

Mr. *Thomas Duncombe* would oppose the clause unless an amendment were introduced to the effect, that the cost should not be incurred without the consent of the rate-payers. The clause, as it stood, would give the board of guardians, who were under the complete control of the Poor-law commissioners, the power to tax the rate-payers without the consent of the latter, and to any extent they pleased. In some of the metropolitan parishes, there were, in fact, two sets of guardians acting in opposition to one another—one being elected under the Poor-law, and the other under a Local Act. How was this clause to be carried into effect in these parishes? The bill, instead of producing uniformity would produce confusion. If the noble Lord would not agree to the words he (Mr. Duncombe) proposed, he hoped at least that the clause would be postponed.

Mr. *Fox Maule* said it was necessary that the guardians within the metropolitan police district should have the proposed extended powers, which would be greater than those allowed to rural boards, because within the metropolitan district larger workhouses were required, and it was generally more difficult to procure materials.

Mr. *Wakley* hoped they would have the aid of the right hon. Baronet the Member for Tamworth to throw out this clause, as in the case of a former clause, when the right hon. Gentleman raised great hopes amidst those who desired to retain the benefit of their local acts. It was monstrous to see how popular rights and popular privileges were, night after night, frittered away by persons who call themselves advocates for liberal principles. He hoped he was not saying anything unpleasant to certain hon. Gentlemen in that House, which would be especially unbecoming him on this occasion when he was about asking a favour from them, which ought, on the contrary, to induce him to indulge in the most sweet and dulcet notes he could command; but, at the same time, he could not but feel how annoying it was to be obliged to petition those who, while they call themselves friends of the people, were bringing forward and supporting laws which were prejudicial to their comforts, and abhorrent to their feelings. He confessed he could not speak with forbearance on the present question, conscious, as he was, of what would be its pernicious effects if passed into a law. He would, however, intreat the noble Lord to consent to a postponement of this clause until the House should be made acquainted with the noble Lord's determination with reference to those districts which had local acts of their own.

Sir *R. Peel* said, that if this clause were necessarily connected with the subject matter of the third clause, he would of course advocate the postponement of it as he had done with the former clause, but he really could not understand how the hon. Member for Finsbury could prove the connection. This was a clause which proposed to give power to the guardians of the poor "to raise or borrow and charge the future Poor-rates of such parish or union with such further sums of money as may be necessary for the purchase of any land, or interest in land, required as the site of such workhouse or of additions to any such workhouse." Now it appeared to him that this was a most reasonable proposition, and one which ought not to be objected to. He thought that there were some of the metropolitan districts neglecting their duty in this respect, and not acting with the same propriety as the country districts in building good and efficient workhouses, and such as were capable of accommodating the numerous inmates who sought protection in them. That fact, which he believed was well established, would of course furnish an additional reason for the enactment of the present clause. He thought that this bill should be viewed without the slightest reference to party considerations. He had always looked at it with such feelings. And he never offered any suggestions upon the subject of it which he did not deem both fair and reasonable. With these views he should continue to watch the progress of the measure, and would offer suggestions which he would consider necessary to render it as efficient as possible. He should, of course, be happy to join in opinion with the hon. Member for Finsbury when he proposed such amendments as he (Sir R. Peel) considered advantageous to the law; but on the other hand, he begged leave to say, that he would not allow himself to be cajoled into certain opinions with which he could not honestly and sincerely concur. He entirely approved of this clause, and unless stronger reasons were adduced than what he had already heard, he should certainly wish to see it stand part of the bill.

Mr. *Hawes* said, that whatever tended to compel parishes to build proper and efficient workhouses would have his hearty support. There were many of the metropolitan districts which neglected doing this, and this clause was introduced for the purpose of obliging those districts to do their duty in this particular. This was not a measure of severity or harshness, but one of morality and humanity. He held in his hand a statement which had reference to one of those metropolitan districts, and after reading it to the House, he would put it to the hon.

Member for Finsbury if he would be a party to the continuance of the evils which were here complained of. In a particular workhouse, in the month of March, 1830 (before the Poor-law bill passed) the following report was made of the number of inmates and their situation for three weeks:—

Men	313
Women	538
Boys	295
Girls	194
Additional during the week	11
	1,351

Which number of 1,351 persons were accommodated by only 331 beds. On the following week there were—

Men	299
Women	524
Boys	288
Girls	131
	1,242

Out of this number there were 180 boys obliged to sleep in twenty-four beds. In the third week the numbers were—

Men	295
Women	515
Boys	273
Girls	132
	1,215

Out of this number there were 174 boys distributed among twenty-four beds. At one period there were but twenty-four beds for 190 boys, and in a ward with only twenty-one beds were fifty men and twenty-four boys. And 123 girls had only twenty-three beds. Now, in the month of March, 1831, when it should be observed, the Poor-law bill had not been in operation, there were in this same workhouse, 754 persons, for which there were only 364 beds. He would therefore ask, were these things to be allowed to continue? Or, where the hardship existed in giving further power to the Poor-law guardians to increase the accommodation? This was Bethnal-green workhouse, and he would give the hon. Member for Finsbury the paper to make whatever use he pleased of it. He would say that he could vouch for the respectability of the source from whence he procured it. The building of workhouses, he thought, was a great precaution against the increase of pauperism.

Mr. *Fox Maule* said, that the amount which had been fixed under the Poor-law amendment act, was the average amount of the rate for the previous three years, which sum had not been found sufficient. This clause was then introduced to give the guardians power to raise more money for the purpose of giving increased accommodation in the workhouses. The clause was solely for that purpose, and that alone.

Mr. *T. Duncombe* quite agreed with the right hon. Baronet, the Member for Tamworth, that this was a subject which should not be considered with any reference to party objects, for this was as much a Tory bill as a Whig bill. This was a measure which evinced as much despotic Toryism as philosophical Whigism. He supposed the hon. Member for Lambeth had received his information from Somerset-house, and it was very well known that the gentlemen there were not remarkable for their candour. If it were true that under the old system there were only twenty-four beds for 190 boys, the fact could be easily explained. The hon. Member for Lambeth should have said bedsteads, which would then have made the case much different as to the hardship which had been practised. He understood that the beds were then placed upon the floor, and were much larger and more comfortable than those which had been formed under the new system. If the House would not consent to postpone this clause, they should come to a division upon the amendment, and then he would test the sincerity of those hon. Members who boasted of being the advocates of the poor. He would therefore propose, that, after the words "metropolitan districts," the following words should be added, "with the consent of the rate-payers in public vestry assembled." The right hon. Baronet the Member for Tamworth said, what could be more reasonable than to give the guardians power to raise money for the purchase of a site so as to give the necessary accommodation to the inmates of the workhouses? but he (Mr. Duncombe) begged to remind the right hon. Baronet that there were other objects mentioned in the clause beside that, for it would also empower them to make "additions to any such workhouse" as they may think fit.

Mr. *Hawes* begged leave to disclaim the charge of having procured the document he had read from Somerset-house. He assured the hon. Member for Finsbury that he had not received his information, either directly or indirectly, from the Poor-law commissioners, nor from any person connected with the Poor-law commissioners. He received it from a highly honourable independent professional gentleman.

Mr. *Grote* said, the hon. Member for Finsbury, although in the habit of indulging in vituperation against the Poor-law commissioners, should not impute to them acts which they had never done, for the manifestation of his spleen. The hon. Gentleman had dwelt upon these topics *usque ad nauseam.* At one time the hon. Gentleman used as an argument, the confidence which the House might place in the guardians, but now, when there was a clause in which the words "Poor-law commissioners" did not appear, the hon. Member for Finsbury told them that no more confidence was to be placed in the guardians than in the Poor-law commissioners; and that no confidence could be placed in any body but a vestry of rate-payers, thus carrying them back to all the evils of the old system. He trusted the House would not be disposed to assent to any such proposition. The question of local acts was really not involved in the present discussion, whatever determination the House might come to with regard to the degree in which they would permit interference with the local acts, there was no necessity to introduce any such words as the hon. Gentleman proposed. There were, to his own knowledge in many London parishes good and roomy workhouses. The powers in this clause were required to make up the deficient power of the guardians, especially in the London parishes, where the site of ground was so dear. He would also make one remark on the observation in the speech of the hon. Gentleman with regard to this clause, namely, that the Poor-law amendment act and the authority of the commissioners was becoming more and more unpopular. He did not know if this were the case in the district the hon. Gentleman represented, but in that which he represented he was able to say that the hostility which existed against the bill, when it was first introduced, had almost entirely subsided, and that there was a friendly and well disposed leaning towards the law and the commissioners in all the three unions comprising the constituency which he had the honour to represent. He stated this with the greater pleasure, because, in 1834, when the bill was first proposed, there was undoubtedly a decided opinion against it: and having taken a decided part in its support, although he felt great pain in taking such a step against the feelings of his own constituency it was a great satisfaction to him to state that that feeling had now almost entirely subsided, and that the law in this district was regarded favourably by the great body of the rate-payers.

Sir *R. Peel* wished to say, in explanation to the observations which had been made by the hon. Member for Finsbury, that this clause was not proposed for the purpose of giving power to enlarge workhouses, for the guardians possessed that power already; but it was only intended to give them the power to purchase sites for enlarging them.

Dr. *Lushington* could bear testimony to the great care that was bestowed upon every thing relating to the well-being and education of the poor in that part of the metropolis which he had the honour to represent. He was opposed to the amendment of the hon. Member for Finsbury. If the clause was passed with the amendment of the hon. Member it would be necessary in such a parish as that of Shoreditch, for instance, to consult 5,000 or 6,000 persons before any of the provisions contemplated by the clause could be carried into effect, the vestry in that parish consisting of that number of rate-payers. He was of opinion that the word "guardian" included not only those elected under the new Poor-law act, but those elected under the local act, so that under the clause the rate-payers would have a voice in the making of the rate. That, however, was his opinion of the law. How was it possible that in parishes comprising such immense populations as those of Shoreditch, Whitechapel, St. George's-in-the-East, and other such places, the act could be administered directly by a vestry of rate-payers? No one could deny that the clause was a necessary one, and he trusted it would pass without any such amendment as that proposed by the hon. Member.

Mr. *Wakley* said, that if the construction put on the law by the right hon. and learned Gentleman, which was to the effect that the guardians elected under the local act would have the same power as those under the Poor-law amendment act—if that construction was correct, which he would not presume to dispute, though no other hon. Member had put the same construction on the act, he would advise his hon. Colleague to withdraw his amendment. The statement read by his hon. Friend the Member for Lambeth, respecting the dreadful state of the poor in the workhouse at Bethnal-green in the year 1830, had been made out by him after he had inspected the workhouse, but the state of things described in it was not attributable to the law of Elizabeth. His hon. Friend seemed to think that he had not paid much attention to parochial matters. Now, he was churchwarden of a parish in 1837, in which office he was succeeded by the noble Lord the Secretary for the Colonies, being genteelly ejected from the office a fortnight before his term expired, because certain parties wanted to make the vestry a close one. But the state of things decribed in the document read by his hon. Friend, and which he had drawn up, was not attributable to the churchwardens. It was true he had never witnessed more harrowing scenes than those presented to his view on that occasion. In one part of the workhouse he had seen twenty-two women and children lying in the last stage of the typhus fever, with only nine beds among them. He remembered two children were dead—one of them in the arms of its mother, who was dying also. The cause of this misery was, that the Spitalfields weavers were nearly all out of employment at the time, and the workhouse was crowded to an almost unprecedented extent. The Minister then at the head of the Government, he believed Lord Grey, sent down a sum of money to relieve the distress prevailing in the district. So that the fault was not either with the churchwardens or with the law of Elizabeth. As to what his hon. Friend the Member for London had stated, that in the City districts the opinion of the public was becoming daily more and more favourable to the curious monster called the Poor-law Amendment Bill, the fact was, that the boards of guardians in London could do as they pleased, and were hardly ever interfered with by the commissioners. And he would like to ask the hon. Gentleman whether out-door relief was refused to able-bodied paupers in the City? If the question was not answered, he should take pains to get the best information in another way. If such relief was not refused, that accounted for what the hon. Gentleman stated about the bill not being so unpopular; but did the law itself permit such relief? He confessed he could not without surprise hear the hon. Member, who held up the ballot as the *panacea* for all the ills of the country, talk of the "confused" manner in which business was carried on at vestries, where every thing was done by ballot.

Mr. *Grote* said, he had no objection to answer the question put to him by the hon. Member for Finsbury. It was quite true, as the hon. Gentleman stated, that the prohibitory order had not been issued to the city of London. Let the House recollect that the hon. Gentleman stated that the Poor-law Bill was most unpopular in the metropolitan districts, and more so now than at its first promulgation. Was not he (Mr. Grote) then entitled to answer, what he believed was the fact, that it was unpopular when first introduced, but not now? If the hon. Gentleman thought there was nothing in the Poor-law Bill but the prohibitory order forbidding out-door relief, he was exceedingly mistaken. There were other unions beside that of London in which the order referred to was not enforced; but the system was carried fully into effect in every other respect in the city of London, and he maintained that in its working it gave general satisfaction.

Mr. *W. Attwood* hoped that as so great an extent of authority and control over the funds of the unions was about to be granted by this act to the boards of guardians, they would be prepared to exercise this power over the purse of the unions with great moderation.

Mr. *Estcourt* said, that great hardships would be inflicted on the rural parishes to which the metropolitan police district extended by the large sums of money which the commissioners were empowered to raise. The district which the operation of the clause would affect included every parish in the counties of Middlesex, Kent, Surrey, Essex, and Herts, within twelve miles of Charing-cross. Hon. Gentlemen who represented these counties should be on their guard, in order to oppose any provisions that would unfairly affect their constituencies.

Mr. *Hume* hoped his hon. Friend would reserve his objection until they arrived at the 36th or 37th clause, which fixed the mode of electing the guardians in the union. He felt, and he thought his hon. Friend would feel also, still stronger objection to that mode of voting prescribed by the clause—namely, by proxies and by accumulative voting. This was highly objectionable, and if opposed with success by his hon. Friend, he believed that much of his hon. Friend's objection to the extensive nature of the powers confided to the guardians would be obviated.

Mr. *T. Duncombe* said, he was afraid, if he suffered himself to take the advice of his hon. Friend, his opposition would come too late in the instance of the clause relative to the mode of taking the votes of the parishioners for the election of guardians. It reminded him of the advice once said to have been given, to lock the stable door after the steed had been stolen; for this was too much of a tory measure not to be carried through the legislature this Session. He was ashamed to hear the nature of the support given by persons calling themselves reformers to the unfair and unjust mode prescribed for taking the votes at the election for guardians. What! were they afraid of submitting the election of guardians to the parishioners in vestry assembled? What became of their consistency? But he would ask also what were they to do with those unions over which, as in the case of the Holborn union, there were appointed two separate boards of guardians which were continually squabbling, falling out, and opposing each other? If he were compelled to go out alone, he felt that his objections to the clause were so strong that he should refuse all solicitation to withdraw his amendment, and divide the Committee.

The Committee divided on the question, that the words "with the consent of the rate-payers in vestry assembled" proposed by Mr. Duncombe be inserted in the clause. Ayes 22; Noes 216: Majority 194.

List of the Ayes.

Attwood, W.
Collins, W.
Dick, Q.
Fielden, J.
Gore, O. J. R.
Grimsditch, T.
Hawkes, T.
Hector, C. J.
Hodges, T. L.
Holland, R.
Humphrey, J.
Johnson, General
Leader, J. T.
Monypenny, T. G.
Parker, R. T.
Pechell, Captain
Round, J.
Sibthorp, Colonel
Trotter, J.
Turner, W.
Walker, R.
Williams, W.

TELLERS.

Duncombe, T.
Wakley, T.

List of the Noes.

Acland, Sir T. D.
Acland, T. D.
Adam, Admiral
Aglionby, H. A.
Ainsworth, P.
Ashley, Lord
Bagot, hon. W.
Baker, E.
Baldwin, C. B.
Baring, hon. W. B.
Barnard, E. G.
Barrington, Viscount
Basset, J.
Bentinck, Lord G.
Berkeley, hon. H.
Blake, W. J.
Botfield, B.
Bowes, J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Brocklehurst, J.
Brotherton, J.
Brownrigg, S.
Bruges, W. H. L.
Buck, L. W.
Buller, E.
Buller, Sir J. Y.
Burr, H.
Burroughes, H. N.
Busfeild, W.
Cantilupe, Viscount
Cavendish, hon. C.
Cavendish, hon. G. H.
Chute, W. L. W.
Clay, W.
Clayton, Sir W. R.
Clerk, Sir G.
Clive, E. B.
Clive, hon. R. H.
Coote, Sir C. H.
Copeland, Mr. Ald.
Corry, hon. H.
Courtenay, P.
Dalmeny, Lord
Dalrymple, Sir A.
Darby, G.
Denison, W. J.
Douglas, Sir C. E.
Douro, Marquess of
Duncombe, hon. W.
East, J. B.
Easthope, J.
Eaton, R. J.
Egerton, W. T.
Egerton, Lord F.
Ellice, rt. hon. E.
Ellis, W.
Estcourt, T.
Evans, Sir De Lacy
Evans, W.
Ewart, W.
Farnham, E. B.
Fazakerley, J. N.
Fellowes, E.
Filmer, Sir E.
Fitzalan, Lord
Fitzroy, hon. H.
Fleming, J.
Follett, Sir W.
Forester, hon. G.
Fremantle, Sir T.
Freshfield, J. W.
Gaskell, J. M.
Gisborne, T.
Gladstone, W. E.
Gordon, R.
Goulburn, rt. hon. H.
Grant, Sir A. C.
Grey, rt. hon. Sir C.
Grey, rt. hon. Sir G.
Grimston, Viscount
Grosvenor, Lord R.
Grote, G.
Halford, H.
Hawes, B.
Hawkins, J. H.
Herbert, hon. S.
Hill, Lord A. M. C.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hodgson, F.
Hodgson, R.
Holmes, hon. W. A'Court
Horsman, E.
Howard, F. J.
Howard, P. H.
Howard, hn. C. W. G.
Howick, Viscount
Hume, J.
Hurst, R. H.
Hurt, F.
Hutt, W.
Hutton, R.
Inglis, Sir R. H.
Irton, S.
James, W.
Johnstone, H.
Jones, J.
Kemble, H.
Knatchbull, rt. hon. Sir E.
Knight, H. G.

Labouchere, rt. hn. H.
Lascelles, hon. W. S.
Lemon, Sir C.
Lennox, Lord A.
Loch, J.
Long, W.
Lowther, J. H.
Lushington, C.
Lushington, rt. hn. S.
Lygon, hon. General
Lynch, A. H.
Macaulay, rt. hn. T. B.
Marshall, W.
Martin, J.
Marton, G.
Maunsell, T. P.
Mildmay, P. St. J.
Milton, Viscount
Mordaunt, Sir J.
Morgan, O.
Morpeth, Viscount
Morris, D.
Morrison, J.
Muskett, G. A.
Neeld, J.
Neeld, J.
O'Brien, W. S.
O'Ferrall, R. M.
Ord, W.
Paget, Lord A.
Palmer, R.
Palmer, G.
Palmerston, Viscount
Parker, J.
Parnell, rt. hn. Sir H.
Patten, J. W.
Peel, rt. hn. Sir R.
Pigot, rt. hn. D.
Pollen, Sir J. W.
Price, Sir R.
Pryme, G.
Pusey, P.
Rawdon, Col. J. D.
Rice, E. R.
Rich, H.
Richards, R.
Rickford, W.
Roche, W.
Rolleston, L.
Rose, rt. hon. Sir G.
Round, C. G.
Rumbold, C. E.
Rushbrooke, Colonel
Rushout, G.
Russell, Lord J.
Salwey, Colonel
Sanderson, R.
Sanford, E. A.
Seymour, Lord
Sheil, rt. hon. R. L.
Slaney, R. A.
Smith, G. R.
Smith, R. V.
Smyth, Sir G. H.
Somerset, Lord G.
Somerville, Sir W. M.
Staunton, Sir G. T.
Stewart, J.
Stuart, Lord J.
Stock, Mr. Sergeant
Strutt, E.
Style, Sir C.
Tancred, H. W.
Teignmouth, Lord
Thornely, T.
Thornhill, G.
Tomline, G.
Townley, R. G.
Troubridge, Sir E. T.
Tufnell, H.
Turner, E.
Tyrell, Sir J. T.
Verney, Sir H
Villiers, hon. C. P.
Vivian, Major C.
Vivian, J. H.
Vivian, rt. hon. Sir R. H.
Waddington, H. S.
Wall, C. B.
Warburton, H.
White, A.
Whitmore, T. C.
Wilbraham, hon. B.
Wilde, Sir T.
Wilmot, Sir J. E.
Wilshere, W.
Wood, C.
Wood, Colonel
Wood, G. W.
Wood, B.
Worsley, Lord
Wyse, T.
Yates, J. A.
Young, J.

TELLERS.

Stanley, E. J.
Maule, hon. F.

Clause agreed to.

Mr. *B. Wood* moved an amendment to the 23d clause, which clause empowers the commissioners of the Poor-law Commission, by order under their hands and seal, to define the classes of poor children who may be apprenticed, the trades or businesses to which they may be apprenticed, the cases in which any premium or apprentice fee may be paid with such poor children out of rates raised for the relief of the poor, and the amount and mode of payment thereof. The hon. Member moved the clause should be amended by the insertion of the words, "with consent of the guardians," after the word "commissioners."

. Lord *J. Russell* said, the clause was introduced in order to give the commissioners a control over a practice which had been found to prevail in some unions—namely, that of inducing too many young persons to enter into particular favoured trades in the districts, though such trades were very limited or on the decline: thus artificially forming apprenticeships in that trade. The commissioners would, by this clause, be empowered to repress that practice, by proper rules and regulations.

Mr. *Goulburn* said, the clause had been rendered unnecessary in consequence of the same power being given to the commissioners under the 61st section.

Colonel *Rolleston* would admit, that there might be irregularities under the present system, but that was not the question. The question was, whether they should give the commissioners a power never yet intrusted to a public body—that of saying how lads should be apprenticed, to what trades, and with what masters. He must support the amendment.

Sir *R. Peel* said, he thought it would be impossible to lay down, with regard to apprenticeship, any general rules applying equally to the metropolitan and rural parishes. Trades might be overstocked in some parishes, which were not so in others. He thought it should be explained that the commissioners should have the power of modifying their rules according to the special circumstances of each case. He did not at all understand the words "defining the classes of poor children," and should be glad to hear them interpreted by the noble Lord opposite. He thought the clause would run better thus,—"that the commissioners may, by order under their hands and seals, define the trades to which children now liable to be apprenticed by law may be apprenticed."

Viscount *Howick* said, that the effect of the clause would be to restrain, and not to extend, the power of apprenticing. The guardians had already the power of apprenticing and giving premiums. This power had, under the old law, been grossly abused; lads had been apprenticed out to a master without any inquiry being made as to his character, or any attention being paid to their morals. This practice had been checked by the act of 1834, but the system was still acted upon without the requisite care and caution. The clause would give no power to apprentice a single child, but it gave power to control the boards of guardians, and lay down certain rules under which those boards might act. It was a clause strictly for the protection of poor children, and he hoped the House would not consent to its rejection. He thought the amendment of the hon. Member for Southwark would make absolute nonsense of the clause; for how could the boards of guardians, who were to act under the rules of the commissioners, be allowed to interfere in framing them?

Mr. *Hawes* suggested that overseers and guardians should be called on to report periodically, so as to secure a supervision over the morals of the chidren.

Sir *R. Peel* was not opposed to the power sought to be conferred by the clause on the commissioners, but he was of opinion, that they should have the additional power of modifying their own regulations. What was applicable to one parish would not be so to another, and, therefore, he desired, that the definition of the trades, rather than the class of persons should be substituted in the bill.

Sir *E. Wilmot* thought, the best way to proceed would be to expunge the clause altogether, and substitute in its place a proviso, of which he had given notice, to the effect, that the persons to whom pauper children were apprenticed should be obliged to send the said apprentices to the half yearly meeting of the guardians of the union in which such persons resided, in order that their treatment and condition for the time might be examined into, and ascertained.

Viscount *Howick* said, that the power sought for by the right hon. Baronet would be conferred by the clause as it stood.

Lord *John Russell*: I think the power to make rules ought to be left to the commissioners without any concurrent power to the guardians, as proposed by the right hon. Gentleman; and I am, therefore, also opposed to the suggestion of the hon. and gallant Member; but the right hon. Gentleman is quite correct in saying, that the rules of the commissioners should be different in different parts of the country, and I do not think, that there is anything in this clause to preclude the attainment of that object. I should have no objection to alter the wording of the clause, if, upon consideration, I find it necessary; but I am inclined to think, that the words, as they stand, will be perfectly effectual.

Mr. *Grote* said, that, at present, the boards of guardians had an almost unlimited power of apprenticing. The object of this clause was to restrain that power, and he hoped, that it would pass without any material alteration; for in the metropolitan unions the present system had worked very badly, and a uniformity of system had been found to be very desirable. That uniformity could only be obtained by giving these general powers to the commissioners.

Mr. *Darby* said, that, in his opinion, this clause, as it stood, must be wholly ineffectual. It was an attempt to apply a general rule to that which must require a particular regulation in each case.

Mr. *B. Wood* said, he would withdraw his amendment, as he understood, that the noble Lord was willing to make some alteration in the clause.

Lord *John Russell:* But I am not willing to admit the amendment of the hon. Member.

Mr. *B. Wood* said, that he certainly was not disposed to submit the sole authority in this matter to the commissioners.

Lord *John Russell*: I said, that with regard to the words "defining classes," I was willing, if they would not carry into effect the object of the clause to alter them; but that the commissioners are to make the rules independently of the guardians or any other authority.

Mr. *B. Wood* said, that he would allow the clause to pass then, as he should have an opportunity of seeing it after it had been amended.

Colonel *Sibthorp* said, that if the noble Lord would not postpone the clause, he should move that it be expunged.

The Committee divided on the question, that the clause stand part of the bill:—Ayes 143; Noes 74: Majority 69.

List of the Ayes.

Acland, Sir T. D.
Acland, T. D.
A'Court, Captain
Adam, Admiral
Ainsworth, P.
Ashley, Lord
Bagot, hon. W.
Baring, hon. W. B.
Barrington, Viscount
Bentinck, Lord G.
Berkeley, hon. H.
Berkeley, hon. C.

Blake, W. J.
Bowes, J.
Bramston T. W.
Buller, E.
Buller, Sir J. Y.
Busfeild, W.
Cavendish, hon. C.
Cavendish, hn. G. H.
Chalmers, P.
Cholmondeley, hn. H.
Chute, W. L. W.
Clay, W.
Clayton, Sir W. R.
Clerk, Sir G.
Clive, E. B.
Corry, hon. H.
Courtenay, P.
Dalmeny, Lord
Denison, W. J.
Douro, Marquess of
East, J. B.
Easthope, J.
Eaton, R. J.
Ellis, W.
Evans, W.
Ewart, W.
Fazakerley, J. N.
Fitzalan, Lord
Fleming, J.
Forester, hon. G.
Fox, S. L.
Gaskell, J. Milnes
Gisborne, T.
Gladstone, W. E.
Gladstone, J. N.
Gordon, R.
Goulburn, rt. hon. H.
Grey, rt. hon. Sir C.
Grey, rt. hon. Sir G.
Grimston, Viscount
Grote, G.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Herbert, hon. S.
Hill, Lord A. M. C.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Holmes, hn. W. A'C.
Howard, hn. E. G. G.
Howerd, F. J.
Howard, P. H.
Howard, hn. C. W. G.
Howick, Viscount
Hurst, R. H.
Hurt, F.
Hutt, W.
James, W.
Jones, J.
Knight, H. G.
Labouchere, rt. hn. H.
Lascelles, hon. W. S.
Lemon, Sir C.
Loch, J.
Lushington, rt. hn. S.
Macaulay, rt. hn. T. B.
Marshall, W.
Martin, J.
Mildmay, P. St. J.
Morpeth, Viscount
Morris, D.
Muskett, G. A.
Norreys, Lord
O'Ferrall, R. M.
Paget, Lord A.
Palmerston, Viscount
Parker, J.
Parnell, rt. hn. Sir H.
Patten, J. W.
Peel, rt. hon. Sir R.
Philips, M.
Pigot, rt. hon. D.
Plumptre, J. P.
Powerscourt, Visct.
Price, Sir R.
Pryme, G.
Pusey, P.
Rawdon, Col. J. D.
Rich, H.
Rickford, W.
Roche, W.
Rose, rt. hn. Sir G.
Russell, Lord J.
Salwey, Colonel
Seymour, Lord
Sheil, rt. hn. R. L.
Slaney, R. A.
Smith, R. V.
Somerset, Lord G.
Somerville, Sir W. M.
Stanley, hon. E. J.
Stewart, J.
Stuart, Lord J.
Stock, Mr. Sergeant
Strutt, E.
Style, Sir C.
Tancred, H. W.
Teignmouth, Lord
Thornely, T.
Tomline, G.
Townley, R. G.
Troubridge, Sir E. T.
Tufnell, H.
Tyrell, Sir J. T.
Villiers, hon. C. P.
Villiers, Visconnt
Vivian, Major C.
Vivian, J. H.
Vivian, rt. hn. Sir R. H.
Waddington, H. S.
Warburton, H.
White, A.
Whitmore, T.
Wilde, Sir T.
Wilshere, W.
Wood, C.
Wood, G. W.
Wood, B.
Worsley, Lord
Wyse, T.
Young, J.

TELLERS.

Maule, hon. F.
Horsman, E.

List of the NOES.

Aglionby, H. A.
Attwood, W.
Baillie, Colonel
Blackstone, W. S.
Bolling, W.
Broadley, H.
Broadwood, H.
Brocklehurst, J.
Brotherton, J.
Brownrigg, S.
Bruges, W. H. L.
Buck, L. W.
Burroughes, H. N.
Cantilupe, Viscount
Collins, W.
Copeland, Mr. Ald.
Dalrymple, Sir A.
Darby, G.
Duncombe, T.
Duncombe, hon. W.
Egerton, W. T.
Evans, Sir De L.
Farnham, E. B.
Fielden, J.
Fellowes, E.
Filmer, Sir E.
Fitzroy, hon. H.
Freshfield, J. W.
Gore, O. J. R.
Grant, Sir A. C.
Grimsditch, T.
Halford, H.
Hall, Sir B.
Hawkes, T.
Hodges, T. L.
Hodgson, F.
Hodgson, R.
Hollond, R.
Irton, S.
Johnson, General
Jonstone, H.
Kemble, H.
Leader, J. T.
Lowther, J. H.
Marton, G.
Maunsell, T. P.
Monypenny, T. G.
Morgan, O.
Muntz, G. F.
Neeld, J.
Neeld, J.
O'Brien, W. S.
Packe, C. W.
Palmer, R.
Parker, R. T.
Pechell, Captain
Pollen, Sir J. W.
Richards, R.
Rolleston, L.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Sanderson, R.
Smyth, Sir G. H.
Thornhill, G.
Trotter, J.
Turner, W.
Vere, Sir C. B.
Wakley, T.
Walker, R.
Wilbraham, hon. B.
Williams, W.
Wodehouse, E.
Wood, Colonel

TELLERS.

Sibthorp, Colonel
Wilmot, Sir J. E.

The House resumed.

The Committee to sit again.

EXCISE REGULATIONS.] House resolved itself into a Committee on the Excise Duties.

Mr. *Gordon* moved the following resolution :—

"That the Chairman be directed to move the House, that leave be given to bring in a bill to alter and amend certain laws relating to the collection and management of the Duties of Excise."

The Commissioners of Excise, the hon. Gentleman said, had a certain jurisdiction in questions relating to the Excise, from which there was an appeal to three barristers; that appeal court had been found inefficient, and one of the objects of the proposed measure, was to abolish that court, and transfer all those appeals to the Court of Exchequer. Another alteration proposed was, that no bonds should be required for good behaviour, except from persons in the actual receipt of money. These provisions were in furtherance of the recommendation of the commissioners.

Colonel *Sibthorp* wished to know whether the commissioner was to have any addditional salary; whether the country was to be at a greater expense by the erection of a new court?

Mr. *Gordon:* The proposition is, to abolish an old, not to erect a new court.

Mr. *Goulburn* said, that the alteration of the excise duties on tobacco had been very injurious to the honest trader, and he wished to know whether any further alteration was to be made?

Mr. *Gordon* said, that this bill had no reference to trade at all.

Mr. *Hawes* expressed a hope, that not only the Appeal Court, but the Excise Court of the commissioners, would be abolished.

Mr. *Gordon* said, that was not the intention; the objections to the primary court would probably be removed by transferring the appeal to a regular court of law.

Mr. *Hawes* thought, that the jurisdiction would be much better intrusted to the public magistrates.

Mr. *Goulburn* was afraid, that although the change would effect a saving of 300*l.* to the country, it would increase the expenses more than proportionably to the appellants.

Mr. *Gordon* said, that there had been no appeal for fifteen years, he believed, to the present Court of Appeal.

Resolution agreed to.

To be reported on the following day.

METROPOLIS IMPROVEMENTS.] The House in Committee on the Metropolis Improvements Bill.

Mr. *E. J. Stanley* stated, that it was proposed to raise 150,000*l.* by Exchequer Bills on the additional coal duties, for the purpose of carrying out the Coventry-street, and other improvements in the metropolis.

Mr. *Hawes* complained, that no portion of that sum had been appropriated to the improvement of Lambeth, which so considerably contributed to the fund from which it was to be derived.

Mr. *Goulburn* must put in a similar claim on behalf of the rural districts of Surrey, which also contributed to the fund.

Bill passed through Committee.

Report to be received on the following day.

Adjourned.

HOUSE OF LORDS,

Friday, April 2, 1841.

MINUTES.] Bills. Read a first time:—Titles Recovery.—Read a second time:—Population Acts Amendment.

Petitions presented. By the Bishop of Chichester, from Chichester, for a Lower Qualification for the Guardians of the Poor.—By Lord Sondes, from East Dercham, against the College of Maynooth.—By the Marquess of Normanby, from Beverley, Liverpool, and Feversham, in favour of the Jews Declaration Bill; and from Bermondsey, and two other places, in favour of the Drainage Bill.—By the Marquess of Conyngham, and the Earl of Minto, from a Presbyterian Congregation at Ballyshannon, and from Melrose, for the Abolition of Church Patronage in Scotland.—By Lord Redesdale, from Malmesbury, against the Assessment of Tithes; and from the Board of Guardians of St. Thomas's Union in Devon, for Alterations of the Poor-law Act.

DRAINAGE OF TOWNS.] The Marquess of *Normanby*, in moving that the House resolve itself into a Committee on the Drainage of Towns and Villages Bill, stated, that he had framed a measure, which should be introduced at the proper time, for extending the provisions of the bill to Scotland.

Bill went through Committee.—To be reported on April 23d.

BUILDINGS REGULATIONS.] The Marquess of *Normanby* moved, that the House go into Committee on the Buildings Regulation Bill. The noble Marquess observed, that in the original bill, from which this bill was separated, there were certain clauses relative to fires. The operation of these clauses was, however, confined to the city of London; and it had been deemed advisable in the present measure to make them general.

Bill then went through Committee.—To be reported on April 23d.

POOR-LAWS (IRELAND.)] The Duke of *Wellington* said, he had some time ago moved for certain papers respecting the manner in which the Poor-law was administered in Ireland. Those papers were not yet before the House, and he wished to know when there was any chance of their being produced. He was particularly anxious to have the correspondence between the guardians of the Naas Union and the Poor-law Commissioners, because he understood that the returning officer for the Naas Union had been tried and convicted of an offence. He would not name what that offence was, because he was not in possession of the trial; but he was desirous that there should be laid before the House the record of the trial of Bartholomew Carney, which took place at the assizes held in Green-street, Dublin, on the 17th of January, 1839, before Chief Justice Doherty and Mr. Justice Johnson.

The Marques of *Normanby* said, the Poor-law Commissioners had been applied to for the papers moved for, which were, he supposed, in the course of preparation. As to the case to which the noble Duke adverted, of the facts connected with which he was not aware, there could be no objection to the production of the documents required.

Subject at an end. Adjourned.

HOUSE OF COMMONS,

Friday, April 2, 1841.

MINUTES. Bills. Read a first time:—Salmon Fisheries.—Read a second time:—Indemnity.—Read a third time:—Double Costs, etc.; Houghing of Cattle (Ireland).

ST. ALBAN'S COMMITTEE.] Mr. *Blackstone* said, that it was his intention to move, that the evidence should be printed which had been taken before the committee appointed to inquire into the St. Alban's election. In bringing the motion before the House he felt bound to say, that they were greatly indebted to the right hon. Baronet (Sir R. Peel) for the bill which he had carried through the Session before last, for altering the constitution of election committees. In the present case he considered it to be highly necessary that the House should see on what grounds the decision of the committee on the St. Alban's case had been made. It could not be denied that at the late election at St. Alban's the grossest bribery prevailed to a great extent: such, at least, was the impression throughout the country; but it was impossible that private individuals could be called upon to squander large sums of money in tracing that bribery up to its source. He should only move for the minutes of the proceedings, as he was anxious that the House should judge of them for itself. In reference to the notice which the hon. Member for Finsbury had last night given, that he would move also for the minutes of the proceedings before the select committee on the Canterbury election petition, he must say, that he had no knowledge of what the object of the hon. Member could be in making that motion, unless, perhaps, the hon. Member agreed with him in thinking that when the committee had met to investigate the merits of the case, and the petitioners' counsel came forward and said there was no case against the sitting Member, they ought to have resolved that the petition was frivolous and vexatious. There was another subject to which also it ought to have reference. He could not shut his ears to a report which had prevailed for some days past, that a compromise had taken place, the one party agreeing to abandon the petition against the St. Alban's election, on condition of the other party not prosecuting the Canterbury election petition. It was impossible, as he had already said, that private individuals could be found to prosecute such proceedings, before such a tribunal at their own expense; and it ought to be therefore a matter of serious consideration whether a Member once accused of acts of gross dereliction of duty should be allowed to prevent all inquiry by procuring a petition containing similar charges, to be presented against another Member. He could not defend the custom for the one side or the other. He had not brought forward the motion with party views. A gross and flagrant case of bribery—and bribery, he was sorry to say, had been on the increase since the passing of the Reform Bill—had been made out, and it might be his duty hereafter to move, that they should investigate further into proceedings in the borough of St. Alban's. On that occasion he should wish that the House might be able to, see that there had been no endeavour made to shrink from inquiry, by putting one petition against another. If such conduct was tolerated, they might, after a general election, find 150 petitions, presented on each side and one Member saying to another, "If you do not give up your seat I shall be placed in jeopardy, though I know that you are fairly returned by the yeomen of your county." When the evidence should be placed in his hands he would see what further steps should be taken. He would, therefore, move—

"That the minutes of the proceedings and the evidence taken before the select committee appointed to try the merits of the late election for the borough of St. Alban's be laid before this House."

Mr. *T. Duncombe* could assure the hon.

Member that in moving the amendment, of which he had given notice, there was nothing further from his intention than to interfere with the motion of the hon. Member, or to weaken the force of that motion. He agreed with the hon. Member that it was the duty of this House to watch the conduct of committees. This was the first Session, since the act of the right hon. Baronet, the Member for Tamworth, had come into operation—at least it was the first in which many petitions had been tried under it. It was, therefore, of the utmost importance that this system being only an experiment, should have the confidence not only of this House but of the public and of the individuals whose cases came to be tried under it. But it was impossible that these committees should have the confidence of this House, or the public, or individuals, if those statements in public prints, which he had seen recently, and those rumours to which hon. Members had alluded, should pass unnoticed and uncontradicted. He would read a few extracts from a leading article in a morning paper of yesterday, on this subject:—

"'When things have come to the worst, there is hope that they may mend,' says the old proverb. With reference to the St. Alban's election petition, and the law and practice of committees in cases of bribery, this saying seems to come into full force."

"There never was a more open, unblushing, reckless purchase of a borough than that effected at St. Alban's at the last election. The facts of the case, happily, are beyond all doubt. One of the leading ministerialists of the town comes up to London on hearing of the vacancy, drives to the Treasury, and there contracts for one of the lords of the bedchamber, whom he duly escorts down to St. Alban's as the candidate of his procuring. He then sets to work, loudly proclaiming to every one that 'we have plenty of money,' and dispensing this commodity in open day-light, in exchange for votes, alike to whig or tory, without the least apparent wish or attempt at concealment.

"Of course these proceedings became universally known, and universally talked of. They have been brought before a committee of the House of Commons, and there proved; and no attempt at disproof so much as thought of. The whole reliance of the lord of the bedchamber's advocates was placed upon one point:—'The bribery we don't deny; but you can't prove the agency.' And accordingly, having a majority of ministerialists on the committee, they have steadily adhered to their point, 'agency not proved.'

"According to the decisions of this committee, if, which God forbid, they should become authority and precedent, nothing could be more clear or more certain, than that, if the money be but forthcoming, the whole of the borough constituencies of England must be made matter of purchase and sale in all future elections. Notice is hereby given, that so long as the candidate gives no written appointment, under his hand, which can afterwards be produced in evidence, and takes care not to declare, before witnesses, any person to be his agent, the whole of his committee may run about the open street, with money in both hands, offering it to every voter they meet; and the verdict of a committee acting on the St. Alban's precedent, will be 'agency not proved.'

"Except a change takes place, and that right soon, every idea of public principle in elections is lost, and one abyss of universal corruption absorbs the aggregate constituency. The St. Alban's case must operate injuriously to all parties. The ministerialists have been promising us for this month past, that they should unseat Mr. Smythe on the Canterbury petition; but their counsel, on looking over his case, finds that the very principles which he himself had succeeded in establishing in the St. Alban's case, would inevitably re-act on him in the Canterbury, and that his own arguments would put him out of Court. He, therefore, at once abandons the petition."

As they had not all the proceedings now before them, they could not say whether this account were true or not. He believed that it was totally unfounded, and that it was a gross libel on the St. Alban's committee—and as members of that committee were now in the House, he hoped they should hear from them what reliance was to be placed on it. With regard to the rumour to which the hon. Member referred, as to the cause of withdrawing the Canterbury petition, he must say, that it was in every body's mouth. He could not help reading from the same paper the report of the proceedings of the two last days before those two committees, as from these it would appear that there was a *prima facie* case of compromise clearly made out.

"Mr. Austin rose and said, that after duly considering the evidence, he should have been able to produce in support of the petition, and having communicated with the counsel for the sitting member, he had now only to announce, that he should not further prosecute the petition.

"Mr. Sergeant Wrangham, on behalf of Mr. Smythe, said, that the petitioner's counsel had acted most fairly and handsomely towards him, in thus, in the very outset, making the communication he had then addressed to the committee; and on behalf of the sitting Member he begged leave to add, that he not only did not ask for, but sincerely deprecated, any resolution passing the committee injuriously affecting the petitioner in consequence of the withdrawal of his opposition.

"The chairman, after the room had been cleared, declared the sitting Member duly elected, and that neither the petition, nor the opposition thereto was frivolous or vexatious."

If ever there was a case of compromise, this was one. A prettier arrangement he never saw in his life. The same scene took place in the St. Alban's election committee-room.

"Upon the admission of strangers,

"The chairman stated, that the committee had resolved that the evidence should be received, but desired that it should be given by Lord Grimston himself.

"Mr. Hildyard then addressed the committee, and stated, that after the close of the proceedings on the previous day, he had thought it his duty to unite with his learned friend, Mr. Talbot, in taking into serious consideration the position and prospects of the case, and that the result of the consultation was, that they had determined to proceed no further with the case, as the views which the committee had taken of the law of evidence were so different from those of him (Mr. Hildyard) and Mr. Talbot, that he and his learned Friend were of opinion, that they would not be justified in putting the committee or the sitting Member to any further trouble."

Let him turn the attention of the House to the fact, that the two last decisions of that committee were in favour of the petitioner, and that the very last decision gave him greater facilities for proving his case, and yet that it was then his counsel said he would abandon the case. Was not this a *prima facie* case of compromise? Were they to have that scene from the *Beggars' Opera* re-enacted in this House, wherein *Peachum* says to *Locket*—"Brother, brother, we're both in the wrong; let us make it up, or we shall hang each other." Was that the way in which the new tribunals were to transact business? He would say this was making a farce of the proceedings before a committee. It was a perfect mockery of justice, if this sort of proceeding was to be tolerated. He knew not whether the committee had the power of pushing the inquiry further, but if they had not, it was time they should have it. On these grounds he would move as an amendment and addition to Mr. Blackstone's notice, "Also the minutes of proceedings, and the evidence taken before the select committee on the Canterbury election petition."

Mr. *A. Sanford* assured the House that he had heard the notice given by the hon. Member for Wallingford with the greatest satisfaction, and he trusted that there would be no opposition to it. He said this because he found that, as chairman of the election committee, he could not very well make such a motion himself unless he had been specially instructed to do so by the committee. He felt it to be his duty to follow this course. He thought also that he should not pay proper deference to the opinion of the committee if he did not appear to concur in their proceedings. Under these circumstances he thought it a very fortunate circumstance that the hon. Member, by making his motion, gave him an opportunity of making a short statement to the House. If there was anything improper in his doing so he trusted that he should meet with the indulgence of the House, and, above all, after the statements that had been made respecting the proceedings of the committee. When he addressed the House last Session, when the proceedings respecting the Ludlow petition were under consideration, he stated, that the proceedings of an election committee not only involved the character of that committee, but also the character of the House, and he now repeated this. He believed that the country was greatly indebted to the right hon. Member for Tamworth for the attention which he had paid to the constitution of this tribunal, and for the improvement which he had effected in it by means of his bill. He stood in the situation not of a simple member of the committee, but was one of those whom the committee of selection had nominated as chairman, and he had willingly accepted that position, because he was anxious to render every assistance in his power to the carrying into effect the new measure, however heavy the duties might be. With this feeling, then, he had entered upon his duty as chairman of the committee, and he felt that, great as was the responsibility of the other members of the committee, it was somewhat different from that of chairman, for they were compelled by the law of the House to act, but the chairman acted, to a certain extent, voluntarily, in taking this responsibility on himself. With regard to the St. Alban's petition, the House would recollect that peculiar circumstances had been stated respecting it, which gave to the proceedings of the committee a greater degree of interest and importance than otherwise would have been the case. He could assure the hon. Member who had just addressed the House, that he had heard with great pain some of the observations which had fallen from him. In one passage of the statement read by the hon. Gentleman, it was stated, that there was a majority of Ministerialists in the committee. He had heard with great pain this expression loudly cheered by hon. Members. He said, that he had heard this with great pain, placed as the hon. Gentlemen were who formed the committee; who were obliged to take this duty on them, and to discharge it under the obligation of an oath. Placed as they were in the face of the country, it was not a fair way of viewing their labours. With regard to the publicity given to the details of evidence which had been before the House and the country by means of the newspapers, he would only say, that, if these accounts were to be published, and if the evidence taken before the committee was to be printed from day to day—and for his own part he did not object to this, nor did he pretend to say whether the practice was right or wrong—it would be only fair that observations on the proceedings of the committee, or on the evidence, should not be printed until the case was closed. He would not go into a statement of the evidence taken before the committee, but would only make a few observations on what more particularly concerned the members of that body. During the whole progress of the investigation before the committee, they were only called upon to give two decisions on matters of fact. The first had reference to the admission of evidence, and by this admission they were to decide whether a certain person was or was not agent for the sitting Member. The committee divided on this point, but so far from the decision being either Ministerialist or non-Ministerialist, the division was five to two. The decision was, that they would not allow the question to be put, because they did not think the agency proved. The division on the other question was four to three. The question then was, whether evidence could be produced, when those who formed the majority of the committee were of opinion that, as no additional proof of agency had been given, they could not admit evidence which implied that agency had been proved. But what did the committee do besides? Before it came to the conclusion that agency had not been proved, so eager and anxious were they to have a full investigation, and to afford every facility to establish the charge of bribery, that they came to the resolution that, if the counsel for the petitioner would state to the committee that he could prove an act of agency by or through an act of bribery, he should be allowed to go into it without proving the agency in the first instance. This resolution was come to, although the agency had in no one instance been determined. This was stretching a very considerable point in favour of the petitioner, to enable him to prove bribery against the sitting Member. The point then, was, that first of all agency had not been established; but that if the petitioner said, that he was unable to prove agency unless through a case of bribery, he should be allowed to prove the bribery first. This was adopting and acting upon a resolution previously agreed to by the chairman's panel for their guidance. What more, he would ask, would the hon. Member require the committee to have done for the purpose of eliciting the truth as to the agency? With regard to the other questions, they chiefly turned on points growing out of the law of evidence. There was hardly a day passed without several questions being raised involving points of this kind. There was hardly a question put to a witness which was not objected to on a technical ground; and he was sure the House must see the state in which the committee was placed when two very clever lawyers were making strong assertions as to those points, and doing everything in their power to confuse and mislead. He had no doubt that there was a general feeling growing up in the House, that it was very unfortunate that there was no legal authority to which the committees could appeal on points of evidence, desirous as they were of doing justice between parties, and willing to give all their attention, and to use every exertion to enable them to give a just and fair decision, but when they gave it, whether right or wrong, they could only give it to the best of their judgment. He had presided on former committees, and he felt bound to declare that he had never seen an instance of men manifesting a more anxious feeling to do their duty and acting justly, or a more nervous degree of attention, because they came to a decision to do what was right, than was the case with the Members of this committee. This he assured the House was the case, and he had felt bound to state this much, after the observations made by the hon. Member for Finsbury. When the minutes of evidence and the proceeding of the committee were printed, the House would see, that at the latter part of the investigation every facility was given to the petitioner to press his case. The division of five to two, which was the last, enabled the counsel for the petitioner to put questions to the noble Lord, the Member for Hertfordshire, as to what passed between himself and another party, with the view of proving the agency of the latter, through an act of bribery. What, then, were the allegations of counsel on this point? Not that such or such a thing had happened, and that they did not like to go into an explanation, or to investigate the matter further; but they stated, that in consequence of the first decision of the committee, that agency had not been proved, and which would be found in the minutes, the counsel for the petitioner would give the committee no further trouble. Now, the first decision had been come to three days previously to the day on which this observation was made, when the proceedings terminated; and this, be it recollected, was after the committee had stated. that they were prepared to admit evidence, and had pressed the counsel to prove agency through an act of bribery. The counsel stated, that he could not produce any stronger evidence of agency by acts of bribery, or add anything to the evidence that had been adduced to the committee. The committee had agreed to allow the counsel to prove the agency indirectly, but they declined to do so: and now an attempt was made to throw an imputation on the committee, by declaring that, in consequence of their former decision, the counsel could not go on. He hoped, that it was in some degree excusable on his part, as Chairman of the committee, to endeavour to relieve it from the unjust imputations which had been cast on it. He trusted, also, that he might be allowed to make a few observations as to the constitution of the tribunal itself. This was the second committee over which he had been called upon to act as Chairman since the measure of the right hon. Baronet came into operation. The first was the Ludlow committee, and the second was the St. Alban's. He need hardly observe, in consequence of the state of parties in that House, and from the latitude given to the press, great difficulties had been experienced in carrying this act into effect; but this was not all, for there were other difficulties of a political nature. He had already stated, that the committees wanted some legal authority to which they could appeal in case of a point of difficulty arising. There were two modes of dealing with this difficulty; the first was, having a legal person appointed assessor. This might be done, and a learned Gentleman appointed in whom both parties would place confidence. In applying to him for his opinion, they would not have to ask it as to any question of fact, but only on dry questions of law. In case then of taking evidence, if any doubt or difficulty arose as to any legal point, the committee should have the power of appealing to this legal Gentleman; they would thus have some high authority as to any legal interpretation. The other course which he would suggest, and he was not sure whether it were not the better, was, that the House should declare what description of evidence should be taken. It should determine whether the committees were to be bound by the strict rules of evidence, or whether greater latitude should be allowed. Unless some alteration and some such change as he had suggested was made, he very much feared that these tribunals would not give that satisfaction to the country which they ought; and, at the same time, would have the effect of injuring in the opinion of the country the characters of hon. Gentlemen, Members of that House, by creating a belief that they did not deal out that fair and honest justice which they ought.

Mr. *Mildmay* felt obliged to the hon. Member for Wallingford, for having brought forward this subject, and he should cordially support his motion. He did not wish to trespass on the attention of the House after the speech of his hon. Friend, the Chairman of the committee, but there was one point not touched on by his hon. Friend, and to which he wished to direct the attention of the House. It was, that the evidence taken before the committee was incomplete, and only an *exparte* statement, and that the witnesses in many instances contradicted themselves in their cross-examination. The evidence also involved serious charges against individuals, who had had no opportunity afforded them of rebutting these accusations. Altogether the evidence was of a very unsatisfactory nature. This was a reason which operated with the committee to induce them to abstain from coming forward with a special report, or to ask that the evidence should be printed. He knew well enough that the House had always received these special reports with great caution in cases where the evidence was not sufficient to fix the charge of bribery on any specific person. Several years ago he was a Member of the Camelford Election Committee, and the committee had chosen to make a special report to the House, stating, that bribery had taken place at the election, but that the evidence was not sufficient to affect in any way the sitting Member; and he well recollected, that in consequence of this special report the committee got well knocked about in the House, and their proceedings were severely commented on. He knew, that bribery existed to a fearful extent in many of the boroughs in this country, and he was most anxious to put it down and punish those who were guilty of it. No one looked with greater disgust than himself on proceedings of this nature, but the House must remember, that to punish those who were guilty of it, it must be proved in a legal manner. He took an oath as a Member of the St. Alban's committee to do justice between two parties, and to give a true judgment according to the evidence. He had looked into the petition, and he found, that the bribery was not charged against the person who had been so much alluded to in the proceedings of the committee, but it was stated, that Lord Listowel had bribed by his agents, and they were then bound by their oaths to take the question of agency, in order to prove, that bribery had been committed by Lord Listowel, and, of course, unless the agency was proved, they could not prove the bribery. They thus proceeded for some time in endeavouring to prove the agency, but at length the committee allowed the counsel for the petitioners to prove agency through bribery. This was owing to their anxious desire to get at the truth. As far as he was personally concerned, he would say, that he never felt a more earnest or anxious desire to do justice than he did on this occasion. He declared in the face of Heaven that he never entered upon any duty with more sincerity to arrive at a correct decision than in this committee. He was ready also to admit, that he went on that committee with a fear of being influenced by any political bias. After twenty-five years passed in political life it was impossible that his mind could be perfectly divested of political bias. He said this without hesitation, but still he had done all in his power to divest himself of any such feeling. They, however, must still make allowances. They would not allow a father to be the judge in the case of his son, nor even one friend to try another, as they could almost tell what the decision would be. If, then, in common affairs, they could not expect a man to throw off his feelings, notwithstanding he might manifest every anxiety to do so, it must also be expected that there would be some feeling or bias on matters in which men felt so strongly as on politics. On this ground he thought the House was unfit to furnish the materials for a satisfactory tribunal in these matters. Again, there was an inherent difficulty in calling upon Members of that House who had not received a legal education to give decisions on legal points. He did not complain of any attacks being made on his political conduct; but when he found his motives impugned, and scandalous accusations brought against him, he would insist on justifying himself. He would only add, that he had taken a solemn oath to do justice, and that he went into the committee-room with a full determination to do so; and it was a matter of indifference to his mind whether the seat was to be given to Mr. Cabbell or to Lord Listowel.

Mr. *R. Clive* should hardly have thought it necessary to address the House on this question but for the observations of the hon. Member for Finsbury, who complained that a compromise had taken place in the cases of the Canterbury and St. Alban's election committees. He would venture to assert, as chairman of the Canterbury committee, that they had not the slightest cognizance of anything of the kind. They went into the committee-room perfectly unconscious of what was to be done, or of the course intended to be taken by the counsel for the petitioner. They went into that room under the belief that the proceedings would go on. In the first place, he explained to the legal gentlemen engaged on each side the course which the committee had thought proper to adopt as to their future proceedings. Immediately afterwards the counsel for the petitioner got up and stated, that, on the previous night, he had gone into an examination of the evidence which he should be able to adduce before the committee, and although he was satisfied that many acts of bribery had been committed at the election, as he could not bring home the agency, he thought it wiser not to proceed and involve his client in great expenses, when the probability was that he should not succeed, Under these circumstances, the counsel for the petitioner withdrew, and, on the ground alone that there was no evidence before it, the committee gave its decision. He was also glad to have the opportunity of making another observation as to the conduct of the late Canterbury committee which had been so pointedly alluded to. The hon. Member for Wallingford, said that the committee should have reported, that the petition was frivolous and vexatious. They, however, could not do so on the ground stated by the counsel for the sitting Member, to which allusion had already been made. With respect to the remark that had been made as to Ministerialists and non-Ministerialists, he would observe that he was on a committee last year which was composed nearly equally of gentlemen of opposite political feelings, and that on a division, the numbers were six to one. He was glad to take that opportunity of mentioning that during the very short time the Canterbury committee sat he never saw more zeal manifested to do justice. He entertained the most conscientious conviction that, however long the proceedings before them were protracted, they would properly discharge the duty imposed upon them. They had an anxious duty to perform, and he hoped the House would give them credit for having had a zealous desire to act justly, and which he was sure they were entitled to demand.

Mr. *J. E. Elliot* felt assured, when the evidence before the St. Alban's committee was printed, that it would satisfy every hon. Member as to the conscientious conduct of the committee. He had not seen any of the observations in the newspapers as to the proceedings of the committee, and he had cautiously abstained from reading them during the progress of the inquiry. The House should recollect that the committee only proceeded on the petitioner's case, and endeavoured to get at the agency through a case of bribery; in doing this allegations of bribery were brought against two individuals. With respect to the two individuals, the evidence taken before the committee went, to a very considerable extent, to establish a case against them. Indeed a *prima facie* case of bribery had been made out. Immediately afterwards the petitioners said, we will go no further. The House should recollect, that the counsel for the sitting Member might have been enabled to bring evidence in answer to that adduced before the committee. There was a serious charge against two individuals, and there was a great mass of *ex parte* evidence which threw serious imputations on the characters of those persons. The question then which arose in his mind was whether it was prudent to publish to the world *ex parte* evidence affecting the character of individuals, to which they would have no opportunity of answering. Again, a great part of the evidence taken before the committee would be only legal in case the agency was proved. The agency had not been proved, and could not now be established, because the committee was broken up. If, then, the House printed it, would it not be giving to the world illegal evidence, affecting the character of individuals? He considered it to be his duty, and only just to those persons, to ask the House to take this point into consideration. At the same time, he admitted that it was a matter of importance to the character of the committee and the House that the evidence in the case should be forthcoming. He did not believe, that, with the most scrutinising investigation, anything could be found wrong in the proceedings of the committee. In these proceedings they had allowed every facility to the petitioner to make out his case, and the question was, whether the committee had not gone too far in opening the door so wide for the admission of evidence. After the committee had decided a point in favour of the petitioner, and had established the principle, and granted the prayer which had been demanded of them, his counsel turns round, and by throwing up his case, casts an imputation on the committee for which there was not the slightest ground. He did not understand what was the object in putting these charges on the committee. For his own part, he did not feel so excited at the groundless accusations which had been brought against the committee as his hon. Friend the Member for Winchester, as he felt that he had acted throughout the whole of the proceedings as an honest man. He did not believe, that there were two men in the House who entertained a different opinion; and if there were two such men, he could at once tell them that he held their judgement in utter contempt. He felt assured that no one would entertain this feeling without knowing that he would act himself in the dishonest way which he suspected in others.

Viscount *Howick* thought the committee fully justified in taking the course they had pursued on this occasion; and so far as the hon. Member for Finsbury was concerned, he did not understand him as throwing any imputation on the character and honesty of the Members of the committee. He thought the discussion which had now taken place of a most important kind, and he hoped it would have the effect of directing the attention of the House to the question whether there were not serious defects, both in the present constitution of these tribunals and in the law which they had to administer, which required the interference of the House. With respect to the constitution of these tribunals, he could, in the fullest manner, add his confirmation to what had fallen from the hon. Member for Somersetshire, as to the position in which Members of those committees were placed, in deciding upon questions as to what was and what was not legal evidence. During the protracted inquiry into the Ludlow case, of which committee he was an unwilling Member, these questions were of repeated occurrence; and in such cases as his hon. Friend had truly stated, Members not having the advantage of a professional education, when conflicting decisions were adduced before them by counsel, and they were called upon to decide between these decisions on the moment, were naturally at a loss how to form an opinion on which they could rely. Having given a decision upon one point, to the best of their judgment, in five minutes afterwards, perhaps, they were called upon to decide another point, not differing in any marked features from the previous point, in quite a different way, the counsel on either side presuming on the ignorance of those they addressed—knowing that Members of committees were not professional men, and were consequently generally unable at the moment, in the confusion of legal disputation, to detect the fallacies which might be brought forward—taking every opportunity of distracting the attention and confounding the judgment of the committee, by the introduction of all sorts of doubts and difficulties and conflicting authorities and legal quibbles, and the usual result was to make the committee-room a mere scene of wrangling and uncertainty. Was it the wish of the House—was it the wish of the country, that bribery and corruption at elections should be put an end to? If it were, some great change in the law was absolutely necessary. As the law now stood, it was utterly impossible, unless through some extraordinary and very unusual blundering in the parties, to arrive at any satisfactory proof of bribery, for agency must first be proved, and proof of this was next to impossible, under a law which prohibited committees from calling on witnesses to answer questions which they conceived might criminate themselves. With anything like ordinary skill on the part of those who defended alleged corruption, it was out of the question to suppose, that as matters stood, a committee could ever prove bribery, however clear the case might appear to the whole audience. A remedy for this would be to enable committees to examine and cross-examine witnesses upon all points which tended to clear up the case before them, with reference to the opinion which the witnesses might have as to the bearing of the question with regard to themselves, with this provision, however, that such witnesses should be exempted from penal consequences in their own persons, the result of the evidence affecting only the seat in dispute. Further than this, it would be necessary to provide some public authority to interfere in cases such as that upon which his hon. Friend had so forcibly observed, where there appeared a strong *primâ facie* case of compromise. He had hoped there would have been some denial of any compromise having been made in the case referred to; but in the absence of such denial, he must say it seemed difficult to withhold credit to the rumours which were abroad on this subject.

Mr. *James* said, that every Gentleman who had a regard for the character of the House, must deeply regret, that such scenes of bribery and corruption should have taken place at St. Alban's, at Canterbury, and at Walsall. He did not know whether hon. Members were cognizant of what was done in their name, and in their behalf, or not. He believed they were not, and for this reason. He declared upon his honour as a gentleman, that when he stood for Carlisle, in the year 1820, he was not cognizant of one single farthing having been expended in bribery, when, in fact, several thousand pounds had been expended in that manner. He was informed at that time, that the legal expenses of the election would be from 4,000*l.* to 5,000*l.*, and three weeks after the election, he was told, that the election had cost 12,000*l.*—that the money which he had put into the hands of his agent, for the legal expenses of the election, had been expended in gross bribery. He declared, that he had not the slightest knowledge of it; on the contrary, he was constantly told by his friends, that no bribery whatever was going on. If the hon. Member for Wallingford and other Members were sincere in their desire to put an end to bribery, let them adopt the only real and effectual remedy for the evil, the vote by ballot.

Mr. *J. E. Gladstone* said, the hon. Member who had just sat down, seemed to labour under the impression, that bribery had taken place at the last election for Walsall; but, although his (Mr. Gladstone's) friends were accused of bribery, the petitioners afterwards discovered there was no foundation for such charge, and on the day the committee met, they withdrew the charge altogether. Before the hon. Member made another similar charge he would recommend him to read the evidence adduced.

Mr. *Hayter* said, that the petition contained an allegation with respect to treating, and the special report stated, that a system of treating to a considerable extent had existed at Walsall, previous to, and at the last election; but that the evidence was of so doubtful a nature, that they could not connect it with the sitting Member. He (Mr. Hayter) had the misfortune of differing with the majority of the committee on that occasion, and on reflection, he had seen no reason to change his opinion. He believed, that every Member felt, that the difficulty of the inquiry was owing to the nature of the tribunal. These questions were considered simply as issues to be tried between two interested parties, but the most interested party, the House of Commons, did not appear in that tribunal; and although it might be quite clear, that certain persons could prove or disprove the facts, it did not suit the purposes of the parties interested to call these witnesses, and the committee were consequently left to come to a decision on imperfect evidence. He must say, that he never saw an investigation in which there was so little of truth and so much of falsehood stated. The committee felt the insufficiency of the tribunal as at present constituted, and he trusted, that if the right hon. Baronet, to whom the country was so much indebted for the improvement which had taken place in these tribunals, should think it necessary to amend his bill, he would endeavour to devise some means to enable the committee to arrive at the truth, which it was quite impossible for them to do at present.

Sir *R. Peel* quite agreed with the hon. Member who spoke last as to the policy of devising some means by which truth could be extracted from unwilling witnesses examined before election committees, but the mode in which that object could be accomplished was quite apart from the nature of the tribunal that might be appointed to try the merits of controverted elections. Whether that tribunal were in future to be a court of law, or whether the House of Commons would find it necessary to resort to the former mode of dealing with these subjects, were matters not at all affecting the expediency of granting additional powers. The House must see, that additional powers for the purpose of extracting evidence were wholly apart from the nature of the tribunal before which that evidence was to be produced. There was another point which it was not then the proper time to discuss, and that was the policy of committees resorting to legal advice—to the impartial advice of assessors — for the purpose of enabling them to judge of the value of the arguments urged by counsel, the weight of the objections which they might take, or the importance of the points in dispute between contending advocates. All these, as he had already observed, were subjects into which they need not then enter; but with reference to the matters which did properly come under their consideration, he must in the first place be allowed to say, that nothing had occurred which in the least degree tended to impeach the integrity of the tribunal before which this election had been tried. Neither in the last nor in the present session of Parliament had anything occurred to show, that committees had not in all cases been most desirous of doing their duty, and of administering justice with strict impartiality between the parties. In the present case he would put it to the hon. Members to say, whether any course could have been adopted that was in any respect preferable to that which had been taken. The panel of chairmen met and took into their consideration the points most frequently litigated before election committees; they took into their consideration the necessity of there being a proof of agency before the question of bribery could be gone into; and they likewise considered whether in any case the evidence of bribery might be used for the purpose of establishing agency. At this committee the chairman stated, the general rules laid down by the panel of chairmen, and asked whether they were disposed to abide by those rules. The House would, of course, recollect that those rules had been laid down without the least reference to the case of St. Alban's or to any other case—they were adopted before the framers of them could know anything of the cases likely to be brought forward. To him it appeared to be of no consequence whether the members of the St. Alban's committee voted in the proportion of four to five, or in the proportion of three to two, he saw not a shadow of pretext for imputing to them the least dishonesty. It was very easy for hon. Members then present to pronounce judgment upon the conduct of the committee. It might be very easy for people to talk freely upon the subject who had never heard the evidence, and had never listened to the nice distinctions upon matters of law which counsel might have sought to establish; but surely there was no one in that House who would for a moment say the presumption was not altogether in favour of the perfect honesty and integrity of the committee; he therefore could not call for the evidence on the ground of its publication being necessary to the vindication of the committee. But he saw this clearly enough, that the production of the evidence might show systematic bribery, or it might show the necessity of committees resorting to professional assistance. On these grounds he might support the production of the evidence, but not as he said, for the purpose of vindicating the committee; that was wholly needless. At no time did he think that they ought to violate general rules in deference to personal feeling. It had been said that the evidence in this case was *ex parte*, that might possibly be some reason for withholding it from the House, were it not that the whole of that evidence had already been published in the newspapers, and thereforen o party could now be prejudiced by the Members of that House receiving a copy of the shorthand-writer's notes. He should say, that in all cases the evidence ought to be laid before the House, were it not for the expense.

Mr. *Wakley* trusted, that the right hon. Baronet would not object to the production of the evidence merely because he thought no imputation rested on the character of the committee. If it was intended to legislate on the subject, the House ought to be put in possession of those materials which would enable it to judge of the present state of the law. He agreed with the right hon. Baronet, that there was no imputation on the character of the committees appointed to try these election petitions; but, in order that that allegation might be affirmed by the decision of the House, he thought the motion ought not to be limited to two out of the three cases. Let the evidence relative to Walsall be produced. If no other hon. Member would make a motion for its production he would, and he trusted the House would adopt it. The hon. Member for Walsall said, that he knew nothing of bribery in that borough—that he was not cognisant of it. [Mr. *Gladstone*—The charge was treating]. Yes, "treating," a mild and gentle parliamentary term for bribery. Although the hon. Member might not know anything on the subject at present, what information might he not receive three months hence! What information did the hon. Member for Carlisle receive? Why that 5,000*l.* which he had deposited for the purpose of paying the legal expenses of the election, had all been dissipated and squandered in treating and corruption. He would recommend the hon. Member for Walsall (Mr. Gladstone) not to congratulate himself too much on the extent of his ignorance, for within a brief period from that moment, he would probably have some intimation to lighten his darkness. He must say, that this was one of the most degrading pictures which could be held up to the people of the country, who thought that they were represented in that assembly. Why, this system of bribery and corruption was now become as common as noon day, and the exception was in the purity of an election. But did they find these evils to prevail where there were large constituencies? No. If then that House were sincere in their desire to prevent corruption and bribery, they would extend the franchise to the large masses of the community; by which means the constituencies would be so large that no purse, however long, would reach them. The hon. Member for Somersetshire (Mr. A. Sanford) proposed to add a lawyer to the committees who should decide on cases of law; now his proposal was to get rid of the lawyers altogether, for their interference in such matters was only prejudicial to the due administration of justice. He would move to add to the motion and amendment the words, "Also, the minutes of proceedings and the evidence taken before the Select Committee on the Walsall election,".

Lord *F. Egerton* said, he entered deeply into the feeling of his right hon. Friend the Member for Tamworth. The tenour of the discussion which had been gone into would imply, perhaps, that some imputation was intended to be conveyed upon the Members of the committees. If such were the intention or feeling which had prompted the motion, he should object to the production of the evidence and proceedings in these cases; but, on the other hand, these productions would be very useful for general purposes. For his own part he would say, that, in respect to the chairman of the St. Alban's committee, Mr. Sanford, no Gentleman could have conducted the inquiry more honourably, and he knew no gentleman he would sooner see filling such a situation.

Lord *J. Russell* was rather in favour of the minutes of evidence and the proceedings before these committees being laid before the House. If indeed it were to be considered that their production implied that the House sanctioned or concurred in any imputation against the Members of these committees, he should decide against the motion; but he thought that after what had been stated there could not be an impression of such a nature. He thought, in fact, there were two reasons of considerable importance in favour of asking for the printing of these documents. First, he thought it was important in the first working of the new act to have the minutes of evidence; but there was another consideration of great weight with him, in respect to which he had last year introduced a bill—namely, to ascertain whether it was not advisable to give these committees some additional powers on behalf of the House and the country, not as affecting the present Act of Parliament, but as it affected the Grenville Act, and having, as he had frequently stated, a tendency to make questions before committees appear questions between two parties aided by able counsel. He thought, however, that the production of this evidence would show the insufficiency, he would not call it the deficiency, of the tribunal; but a want of power in this case was useful, as pointing out what remedy might be hereafter applied.

Mr. *Blackstone* assured the House, that he had no intention whatever of casting any imputation upon the Members of the committee.

Motion as amended by the proposition of Mr. Duncombe and by the proposition of Mr. Wakley agreed to.

POOR-LAW COMMISSION.] Lord *J. Russell* moved the Order of the Day for the House to resolve itself into a committee on the Poor-law Amendment Bill.

Mr. *Wakley* said, he had that day found, that the city of London had lost none of its fame for gormandising, for, on asking how the city poor were fed, the answer was "like fighting cocks; we take care not to put our poor on your country allowance system." He would in a day or two lay before the House the city dietary, in order that the House might see that the boasted uniformity of the New Poor-law was all imaginary.

House in committee.

On clause 24, to the effect that the boards of guardians should have the expenditure of emigration funds, subject to the control of one of the Secretaries of State,

Lord *J. Russell* moved, that it be struck out, for the purpose of having it inserted in a different place. He wished to say a word on the subject of emigration, respecting which, he hoped, they might get rid of some of the difficulties now felt, and have a better administration in future. Hitherto it had always been an object to the parish to rid themselves of those persons who were found troublesome, rather than to furnish good subjects for emigration. On the other hand, the colonists were, of course, anxious to get persons of respectable character who were anxious to emigrate, but not on account of their bad conduct at home. He hoped it would be possible to obviate in some measure those difficulties.

Mr. *L. Hodges* said, the married men with families encountered the greatest difficulties of those who desired to emigrate, while such men were those most of all wanted by the colonies. Now, remarking that many of those men had contracted marriage on the faith of the old Poor-law, and had suffered greatly under the operation of the new, he trusted the noble Lord and the House would take the peculiar hardship of their case into further consideration, so as to give married men and their families an opportunity of removing to settlements where their labour would be beneficial to all parties.

Mr. *Darby* said, the emigration sgents were desirous to get the very men whom the parish authorities desired to keep at home—namely, the men of good character. He did not know how the noble Lord would get over this difficulty.

Clause struck out.

On the 25th clause, relating to the burial of paupers, being read,

Mr. *Darby* said, he understood it had been agreed that the burials of paupers were to take place in the burial-grounds of the parishes to which they belonged; and he therefore proposed an amendment to provide clearly for this object, enacting that the pauper be buried in such parish as he was chargeable to.

Colonel *Sibthorp* thought it was the general feeling of the House that the noble Lord intended to give up this clause altogether. A greater insult had never been offered to the poor people than was conveyed by the clause. If the committee adopted it, they might go one step further and give up the bodies of the poor to the anatomy schools. It would give guardians power to consign to the grave the bodies of paupers without the consent or attendance of their relatives. He hoped the noble Lord, who, he believed, had really some humane feelings, would on this occasion show some respect to the affections of the poor, which in the occurrence of death, were buried with more touching sincerity, he was sorry to say, than the higher classes generally displayed. He therefore begged the noble Lord to give up the clause.

Lord *J. Russell* said, that the hon. Member who last spoke did not appear to understand the object of the clause, or he would not seek to have it expunged. The object of the clause was not to prevent the bodies of poor persons from being given up to their relatives, but to provide for their burial when necessary. With respect to this point the question was still unsettled, and many unseemly disputes occasionally arose between parishes and the Poor-law authorities, which it was the purpose of the clause to provide against. With respect to the amendment of the hon. Member (Mr. Darby), he had no objection to its adoption, reserving to himself the right of altering the precise words, should he deem it necessary to do so in point of form.

Sir *E. Knatchbull* thought the amendment proposed by the hon. Gentleman so just that it deserved the serious consideration of the House. He was glad to hear what had fallen from the noble Lord, for it now appeared that there were not two opinions entertained on the subject.

Dr. *Lushington* thought the clause ought to stand thus—that there ought not to be an absolute compulsion to bury the pauper in the parish to which he might belong, but that it should be done on the application of his friends; in short, showing that there were some persons who took an interest in the matter, and their feelings ought to be consulted. But there were difficulties to be met. What would they do in such places as the metropolitan parishes, where there were no burying-grounds, or where they were quite crowded, as in the St. Margaret's churchyard? He apprehended, therefore, that some clause or other must be introduced to guard against this difficulty, not only as applicable to London, but as applicable also to other very populous places where there might be a deficiency of burial ground. The object of this clause was for the purpose of providing for the payment of the customary dues; because, as the law now stood, a clergyman could not refuse to bury a corpse brought to the churchyard. He was bound to bury it, and if a pauper it was impossible that he could recover the smallest amount of dues. He thought the amount ought to be regulated, and that the expenses incurred ought to be reduced to a moderate scale.

Mr. *Darby* said, that in some parishes they might have a very small churchyard and a very large union workhouse, and he therefore thought it expedient that the bodies of paupers should be buried in their respective parishes, and not in the parish in which the union workhouse might be situate; and yet there ought to be a control in the hands of the guardians, in order to guard against the difficulty of a pauper dying when his parish might be sixty or seventy miles off.

The *Chairman* wished to know if the hon. Member would withdraw his amendment.

Mr. *Darby* said, he would withdraw his amendment.

Amendment withdrawn.

Colonel *Wood* said, as he understood the expense of burying the paupers was to be borne by the general fund of the union, his opinion was, that the expense should be borne by the parish to which the pauper belonged.

Mr. *F. Maule* was understood to say, that would be the case.

Sir *T Fremantle* was glad that the amendment was withdrawn. He thought that the burial of the pauper in his own parish ought not to be compulsory, unless it was required by the relatives.

Mr. *Wakley* said, at that moment he and the Members near him did not know what amendments had been proposed to be introduced, or what modifications were proposed to be made. He thought it would frequently happen that there would be indecent disputes as to who were to bury the bodies of persons who died without effects. It was right that their burial ought to be provided for, and the feelings of their relatives ought to be respected. Did the noble Lord propose to modify that portion of the clause which related to the burial of the deceased in the parish where he died? If so, his (Mr. Wakley's) objection to the clause would cease.

Lord *J. Russell* said, he had stated that the hon. Member for Sussex, had proposed, that persons dying without effects should be buried in the parishes to which they belonged. There was an objection to that, because it might be that no person or relative desired that the body should be interred in its own parish; he had, therefore, said, that he would endeavour to form words which should provide for those objects.

Mr. *Wakley* said, that would do away with his objection to the clause.

Sir *A. Dalrymple* objected to paupers being buried in the small churchyards of some parishes where union workhouses were situate, as the crowded state of the churchyards thereby became a grievance.

Mr. *Darby* objected to the latter part of the clause, which gave the decision of the payment of the amount of the customary fees for burying paupers to the Poor-law commissioners. He should move the omission of these words from the clause.

Mr. *H. D. Goring* was glad the noble Lord had given way on this clause; otherwise the poor would have been greatly aggrieved.

Mr. *Grote* did not see any great distinction between the clause as it stood and the amendment proposed. Discretion was vested in the guardians as the clause now stood. As he understood the amendment, it was to continue that discretion to the guardians. He thought the difference not very material.

Sir *T. Fremantle* said, the difference was very material. The amendment contained directions to the guardians, which would be compulsory. This was not the case with the clause which gave them a discretion. But if they connected this clause with the twenty-ninth, they would find the object they wished for was there carried into effect.

Colonel *Sibthorp* could not see where the difficulty would be in sending for the relatives of the deceased person and allowing them to take the body away and inter it in the place where they wished.

Lord *G. Somerset* said, he had objected to the clause as originally brought in, but the objectionable points were to be modified, and he thought the committee should apply itself with great care and assiduity to render this clause unobjectionable. There was one point, with regard to the burial of paupers in the churchyards of the parish where the union workhouse might happen to be, on which he wished for information. The noble Lord had spoken of giving power to the commissioners to increase the churchyards, and he wished to know the intentions of Government on that point. He agreed in what had been said, as to the feelings of paupers on this point, of being buried in a particular parish because the union workhouse happened to be situated in that parish. If a pauper should express a desire to be buried in a particular parish within the union, his wish should be complied with. With regard to the burial of paupers in a distant parish, he had had representations made to him that the mode of conveyance was not in accordance with the feelings of the poor, and he thought that a little more expense might be incurred in conveying the bodies of paupers to a distant parish. He should with this view move this proviso:—

> "That when the body of any pauper is conveyed for interment far from the union workhouse, due care be taken that the conveyance of the body be conducted in a decent and proper manner, and that all expenses incurred for carrying such proviso into effect shall be allowed by the auditors of such union."

He hoped that the noble Lord, in revising this clause, would insert some words to carry out this object.

Lord *J. Russell* said, when he spoke of introducing words to sanction the burial of a pauper in the parish to which he belonged, he meant to say, if the pauper himself expressed a desire to that effect. He saw some difficulty in accomplishing this, but it should be considered. With regard to the other point mentioned by the noble Lord, whatever might be the practice in certain cases, he thought the interment of paupers was conducted with decency, and the introduction of the proviso would imply, that without it there would be a disposition to violate the law. He did not, therefore, think it advisable to insert it, but it must be understood that the burial of paupers should be conducted with decorum.

Lord *G. Somerset* was glad he had elicited this opinion from the noble Lord, that the interments should be conducted in a decent manner, because some auditors had thought they were not authorised to allow it.

Mr. *Darby* said, as the clause was to be altered, he should wait till he saw it in its altered state; but he should be glad to hear the opinion of the noble Lord as to leaving out the latter part, authorising the commissioners to direct, in cases of dispute, whether any, and what amount for the burial of paupers, should be paid out of the poor-rates, to which he had an objection.

Lord *J. Russell* said, he proposed to limit the amount to 10*s.*

Mr. *Goulburn* said, if, as he understood, paupers were to be buried in the parish to which they belonged, the question as to fees for non-parishioners would be done away with.

The *Chairman* read the clause thus far—

> "That it shall be lawful for guardians to charge the expense of the burial of paupers to any parish under their control to which such person may have been chargeable."

Captain *Pechell* proposed as an amendment to insert, after the word "control," the words "or to which the deceased, at the time of his death, may be actually chargeable." His object was to prevent unions which contained only one parish being made liable to the funeral expenses of paupers who had come from a distant parish.

Mr. *F. Maule* objected to the amendment. His hon. Friend seemed to have in view the case of the Gilbert unions. The only effect of the amendment would be to give boards of guardians the power of disposing of the money of parishes which were not under their control.

Sir *A. Dalrymple* said, that the case which his hon. Colleague had principally in view, that of the Brighton union, stood almost alone. The county hospital stood within its limits, and consequently the funerals of many persons from distant parishes became chargeable on the union. As the law at present stood there was no means of recovering the expenses of such funerals from the parishes which were justly liable.

Mr. *Darby* suggested to the hon. and gallant Member to withdraw his amendment, and give the words to the noble Lord the Secretary for the Colonies, for his consideration.

Captain *Pechell* saw no reason for withdrawing his amendment. It was one of considerable importance. He could assure the hon. Gentleman the Under Secretary, that it had nothing to do with the Gilbert unions. The House would soon hear enough of the Gilbert unions, and would find that in those unions the funerals of paupers were conducted in a way grateful to the feelings of their relatives.

On the question that the words be inserted,

Lord *J. Russell* objected to the words, as going further than the spirit of the clause intended. Their insertion would give guardians an improper control over the funds of distant parishes.

Sir *T. Fremantle* was opposed to the insertion of the words as altering the whole meaning of the clause.

Sir *C. Grey* said, it appeared to him that the object of the hon. and gallant Member would be effected by striking out the words "under their control."

Captain *Pechell* differed from the hon. Baronet. He had done his duty by proposing the amendment, but he would yield to the feeling of the House. He therefore withdrew his amendment, with the hope that the noble Lord would bear it in mind.

Amendment withdrawn.

Mr. *Leader*, on the Chairman reading the words "fee or fees," suggested that the clergy might, without making any very great sacrifice, forego their fees on the burial of a pauper; or, if they would not, the chaplain of the union ought to be called upon to perform this duty.

Dr. *Lushington* observed, that the words "custom of the place" were very ambiguous, and might give rise to some discrepancies hereafter. He suggested, that the words "fees usually paid in the parish on the burial of a pauper" be inserted in the clause.

Lord *John Russell* said, that he willingly consented to the insertion of the amendment, of which he would take a note.

Mr. *Humphery* asked, what the amount of the fee on the burial of a pauper was proposed to be?

Lord *John Russell* replied, that 5*s*. was the amount proposed to be inserted in the blank at the end of the bill.

Mr. *Pryme* moved that the following words be added, as a proviso to the clause:—

> "Provided always, that in case of any poor person dying within any public hospital or infirmary to which he may have been admitted as a patient, it shall not be lawful for the guardians to charge the expense of the burial of such poor person to the parish in which such hospital or infirmary is situate, unless such poor person had been previously chargeable to or legally settled in such parish."

Sir *E. Knatchbull* observed, that the proviso was not necessary, for those who recommended patients to such hospitals, generally, if not always, removed the body in case of death.

Mr. *Humphery* said, that there was no such difficulty as the hon. Member for Cambridge apprehended, in the interment of paupers who died in hospitals, for, if their friends did not remove their bodies, the governors of the hospital provided for their burial.

The committee divided on the question that the proviso proposed by Mr. Pryme be added to the clause:—Ayes 38; Noes 136: Majority 98.

Clause agreed to.

On the 26th clause,

> "That the cost of the relief of poor persons not coming to settle, but becoming casually chargeable in any parish in a union, and the cost of their removal and all expenses incident thereto, and, in case of their death and burial by the direction of the guardians, the cost of their burial should be repaid from the common fund of such union; and all poor persons becoming so chargeable, excepting such as became and remained chargeable by reason of sudden illness or accident, should be removeable in like manner as persons going to settle; and, for the purpose of authorising such removal, they should be deemed chargeable to any parish in which they might receive relief."

Mr. *Grimsditch* expressed a hope, that the noble Lord would consent to reduce the size of the unions, and take from them all densely-populated districts such as he (Mr. Grimsditch) represented, and which contained 40,000 inhabitants. The expenses attending the casual poor and vagrants in Macclesfield, to which they flocked as to a centre, amounted to several hundred pounds annually, and in justice ought to be separated from the union. One of the evil effects of the New Poor-law had been to increase the number of mendicants all over the country. [*"No, no," from some Members on the Ministerial benches.*] He begged to differ from those hon. Members. What he stated was the result of his personal experience, and he asked whether every Gentleman's house in the country was not troubled day by day with numerous mendicants. Such was the system pursued in the South of England, that numbers of beggars belonging to Buckingham, Essex, and other southern counties, were scattered over the North of England. He admitted that, the expense of casual poor should fall on the whole union. At the same time, he must express his disapprobation of the clause and of the whole bill. He thought it would be impossible to carry out the principle of this clause in places where there were great numbers of paupers. It could never work in the large manufacturing districts, where all the expense of the casual poor would fall very heavy, and increase the rates to several hundreds. For his part, he did not like any part of the present Poor-law, and he thought the present clause ought to be omitted. He would divide the committee against the clause.

Viscount *Howick* supported the clause, which he considered was calculated to remove a great many evils and inconveniences. Much litigation would be prevented by it; the hardship of paupers being driven about from one parish to another would be avoided; and the necessary relief of the poor would be much facilitated.

Lord *G. Somerset* did not consider the relief of the poor would be facilitated by the clause. A great alteration, including a transfer of heavy burdens, was proposed, and it was incumbent on those who proposed that alteration to give good reason for so doing. As to the poor being driven about, they could as well be driven from union to union as from parish to parish. The clause, too, would inflict great hardships on remote parishes. Under all the circumstances, he felt bound to press for the rejection of the clause.

Mr. *Hawes* should support the clause, as he conceived it would be productive of great benefit in preventing litigation, in facilitating the relief of the poor, and preventing their being driven about from parish to parish.

Colonel *Wood* considered the clause would inflict great injustice, especially on rural parishes lying out of the line of great roads, for they would have to pay for the support of casual poor, while they derived no benefit from any money that might be spent by persons passing along the line of road.

Alderman *Humphery* would admit that it would be a hardship on parishes twenty miles off the line of road to pay for casual paupers—Irish, for instance, who might sometimes spend money—along the line of road, but from which expenditure remote parishes would have no advantage.

The committee divided on the question, that the clause, as amended, stand part of the bill:—Ayes 115; Noes 66: Majority 49.

On the 27th clause, providing that notices relative to the chargeability and relief of paupers should be held to be properly adressed to the parties entitled to receive the same if duly endorsed and put into the post-office forty-eight hours before the time when such notices are required to be delivered.

Lord *Granville Somerset* complained of the short time allowed by the clause to receive the notice, and some words should be introduced into the clause to take care that the documents were duly delivered.

Mr. *Grimsditch* was also of opinion that something should be done to ensure the delivery. Putting the documents into the post-office was not sufficient to ensure the delivery.

General *Johnson* said, he should oppose the clause as unconstitutional in the extreme, and quite unknown to the law. He should take the sense of the House against the clause.

The *Solicitor-General* said it was a mistake to suppose that the provisions of the clause were unknown or opposed to the law. In very important business, such as giving notice of the dishonouring of bills of exchange, a notice sent by post was sufficient. He thought it only reasonable that proper time should be allowed for the delivery of the notices alluded to in the clause; but when such important business was transacted through the medium of the post, he did not think it necessary to employ special agents for the delivery of these notices.

Lord *J. Russell* was understood to consent to the substitution of the words "seven days" instead of "forty-eight hours," as the time allowed after the notices are put into the post-office.

On the motion of Lord *Granville Somerset*, a proviso to the following effect was proposed to be added to the clause:—"Provided that nothing herein contained shall prevent any party to whom such notice shall have been directed to show by evidence that it has not been received."

Mr. *Aglionby* objected to the amendment. If it were adopted, a person not wishing to receive a notice might go out when it was expected to arrive, and thereby avoid receiving it. Moreover, an honest and upright officer would find a great difficulty in proving a negative—in proving that he had not received the notice.

Lord *G. Somerset* said,it had not escaped his notice that the case alluded to by the hon. Member might arise, but it was very improbable. The notice would generally be directed to the overseers or other officers of a union, and if they kept out of the way in order not to receive it, the Court before whom the case should be brought would perceive the trick, and take care they should reap no advantage from it. Was the hon. Gentleman prepared to say that the mere dropping of the notice into the post-office should be considered a delivery to the party to whom it was addressed, and that great expense should be incurred because, as often happened, the postmaster had omitted, for two or three weeks, to shake his bags sufficiently? When the very important nature of the matter was considered, something surely ought to be inserted, if not his (Lord G. Somerset's) proviso, to protect parties to whom documents of the kind were addressed, beyond what now stood in the clause.

Mr. *Aglionby* knew from his professional experience how difficult it was to prove the negative in such a case. If any proceedings were taken, in the course of which the defendants denied the delivery of the notice, he thought it should be compulsory on the post-office to prove the actual delivery at the house of the party. It was not, as the hon. and learned Serjeant (Serjeant Wilde) seemed to suppose, an universal rule to prove notices by delivery at the post-office. In the notices required by the standing order committee to be given to proprietors of land, through which a rail-road was proposed to be made, the service was directed to be personal, or by leaving the document at the party's residence.

Lord G. *Somerset* said he would willingly defer to the Attorney or Solicitor General as to the best form of putting the proviso, so the effect he intended should be produced.

The *Solicitor-General,* under these circumstances, should propose an alteration of the proviso in these words, "unless the party to be affected by such notice or other document should prove that he had not received it."

Sir *R. H. Inglis* wished to know whether it was fair to put a man to prove a negative?

Dr. *Lushington* was of opinion that a negative might be proved by circumstances, though he admitted there was generally a difficulty in so doing. He was, therefore, favourable to the proposition of his hon. and learned Friend the Solicitor-General.

Lord *G. Somerset* would adopt the amendment of the hon, and learned Gentleman.

Mr. *Darby* doubted the feasibility of the amendment, especially if the parties lived at a distance from each other.

The *Solicitor-General* suggested, in addition, that on proof of wanton objection the party making it should be subject to the costs of suit.

Lord *J. Russell* thought that the amendment of his hon. and learned Friend would meet all the exigiencies of the case.

Mr. *John Jones* said that there would be ~~no~~ saving of expense by adhering to the plan of sending the notices by post. To serve them otherwise would cost little; but if an overseer was obliged to prove a negative, the expense of bringing forward circumstantial evidence would cost seven or eight pounds.

Lord G. *Somerset* withdrew his proviso, and adopted the words proposed to be added to the clause by the Solicitor-general.

The *Solicitor-General* said that the hon. Member for Carmarthen should recollect that the expense would not occur in more than one out of a hundred cases. If the notices were served personally instead of by the post there would be an appeal in almost every case, and the expense would be enormous.

The words proposed by the Solicitor-general were agreed to.

On the question that the clause stand part of the bill,

Mr. *T. Parker* objected to the service by post at all, and hoped that the hon. and gallant Member for Oldham (General Johnson) would take the sense of the committee upon the question.

The Committee divided—Ayes 130; Noes 69: Majority 61.

Clause agreed to.

On clause 30 borough and other rates payable out of the poor-rates to be paid to the officer entitled to the custody and the remedies as heretofore to be used for the recovery of deficiencies from the guardians.

Mr. *T. Egerton* recommended the postponement of this clause likewise.

Lord *Granville Somerset* thought that unless they relieved the high constable from the responsibility which now rested upon him with regard to the collection of the county rates, there would be considerable difficulty in his executing the duty imposed on him under this clause.

Colonel *Wood* said that the county of Middlesex ought to be excepted out of the operation of this clause, for there each parish had a right to pay its rates to the treasurer of the county, from whom security was taken.

Sir *B. Hall* moved that the following proviso should be added to the clause, namely:—

> "Provided that whenever such county-rates and police rates are collected under the authority of any local act, then the payment shall be made in such manner as would have been lawful if this act had not been passed."

Mr. *Darby* said the consequence of the clause as it now stood was, that the ratepayers might be called upon to pay twice—once by the overseer, and once by the guardians.

Lord *John Russell* said that the clause would effect a great saving in the collection of the county-rates. In Kent a thousand pounds would be saved to the ratepayers by that means.

Mr. *Goulburn* objected to the clause on the ground that it threw upon the guardians a duty entirely distinct from those for which the guardians were originally created—and to which he was anxious to confine them, because, if they overburdened the office with duties, in a short time they would find no persons willing to fill it.

Mr. *E. Buller* hoped the noble Lord would persevere in the clause. As to the guardians being required to pay the money for the county-rates, it was only the cheapest and readiest way of collecting them; and the additional trouble to the guardians was quite trifling.

Lord *G. Somerset* said that there were now various summary processes for compelling parties to pay the county-rates, to be put in force under the authority of magistrates; and to those processes the guardians under this clause would become amenable. Thus the position of the *ex officio* guardians would be rendered still more anomalous than it was at present, for they might be called upon to issue warrants against their fellow-guardians. Great difficulty, too, must arise under this clause from the circumstance that the unions and the hundreds were not co-extensive.

Lord *John Russell* said that he did not think any difficulty could arise, though the hundreds and unions were not co-extensive, as he presumed that neither of them divided parishes. This was altogether a matter of convenience; and it had been considered better that the guardians should order the collection. As to security for the money, he never found that the security was very great whilst the money was in the hands of the high constable; when it was in the hands of the treasurer of the county they did get security; and he thought that there might be some provision for getting greater security from the clerk and treasurer of the board of guardians, and making them responsible for the payment of the county-rates. The clause had been introduced in consequence of numerous suggestions that it would provide a more simple mode of collecting the county-rates. It added nothing to the power of the commissioners or the guardians.

Mr. *Goulburn* said that it might be a great improvement in the collection of county rates, but it had so little to do with a Bill relating to Poor-laws that it ought hardly to find a place there.

Mr. *Hawes* hoped that the noble Lord would withdraw the clause, which had nothing to do with the subject matter of the present bill, and introduce it as a separate bill.

Lord *John Russell* said it was quite true that it was not necessary to the working of the Poor-law; but it had been suggested and introduced as a great convenience. However, he had no objection if the Committee thought it better to leave it out of the present bill; but he could not undertake to introduce it in another.

Clause withdrawn.

On the question that the Chairman report progress,

Sir *C. Douglas* inquired whether, according to the forms of the House, the bill could be reprinted during the vacation, so that Members might see after Easter what had been done.

Lord *John Russell* said before that could be done, it would be necessary to go through the remaining clauses.

In answer to a question from Mr. Goulburn,

Lord *John Russell* said he did not mean to introduce at present into the bill, in the form of clauses, the amendments which he had expressed his readiness to adopt. He had not however, altered his intention as to introducing them.

Mr. *Goulburn* said it would be a great convenience, if the noble Lord would prepare and insert them himself rather than leave them to be introduced irregularly and desultory by each of the hon. Members who proposed them.

Lord *John Russell* said the bill should be committed again on Monday *pro formâ*, so that these amendments might be inserted.

The House resumed, Committee to sit again.

Joint-Stock Companies.] Mr. *Labouchere* moved for a select committee to inquire into the state of the law respecting joint-stock companies (banking companies excepted), with a view to the prevention of fraud.

Agreed to.—Committee to nominate on a future day.

Adjourned.

HOUSE OF LORDS,

Monday, April 5, 1841.

Minutes.] Bills. Read a first time:—Ecclesiastical Commissioners Act Amendment.—Read a third time:—Population Acts Amendment.

Petitions presented.—By the Earl of Rosebery, and the Earl of Carlisle, from Edinburgh, and other places, for the Jews Declaration Bill.—By the Earl of Rosebery, and Lord Strafford, from Edinburgh, Letterkenny, and Donegal, in favour of Non-Intrusion, and against Church Patronage.

Church of Scotland.] The Marquess of *Breadalbane* said, he had a great many petitions to present to their Lordships, from different parts of Scotland, on the subject of the differences which at present unfortunately agitated the Church in that country. The petitions were 112 in number; many of them from the clergy; ten of them from synods and presbyteries; others from cities and large towns, as Edinburgh, Perth, Dumfermline, &c., and a great number of them from parishes. Having been requested to present these petitions, he felt that he should not be performing his duty to the petitioners, nor doing justice to his own feelings as a Presbyterian, if he did not express his opinion as to the serious importance of the subject to which they related, namely, that of Church patronage. These petitions all prayed for the abolition of Church patronage in Scotland. A very strong feeling existed with relation to the question in the year 1833-4, but by the interposition of the General Assembly, who passed the veto law, the feeling was considerably suppressed. It was not for him, at the present moment, to deliver any opinion respecting that law, but he begged leave to remind their Lordships of the opinion of one of the ablest and most impartial judges of the question. He alluded to Lord Brougham, who, in July, 1834, expressed himself thus—

> "My Lords, I hold in my hands a great number of petitions from a most respectable portion of her Majesty's subjects in the northern part of this island, all referring to one subject—I mean Church patronage in Scotland, which has greatly and powerfully interested the people of Scotland for many months past—and respecting the expediency of some change in which there is hardly any difference of opinion among them. The late proceedings in the General Assembly (viz. in passing the veto law) have done more to facilitate the adoption of measures which shall set that important question at rest, upon a footing advantageous to the community, and that shall be safe and beneficial to the Establishment, and in every respect desirable, than any other course than could have been taken. I am glad that the wisdom of the General Assembly has been directed to this subject, and that the result of its deliberations has been those important resolutions (viz. the veto law) which were passed at the last meeting."

He could refer also to the opinion of Principal M'Farlan and Dr. Cook, very eminent members of the Moderate party—the former of whom acknowledged, that

> "It had been less injurious, and more beneficial, than he and his friends had anticipated;"

while the latter remarked, that,

> "Judging from the rapid improvement made, he had sanguine hopes, if the measure got fair play, it would prove a blessing to the people, and might be the means of doing much good to the country."

The experience they had had of the operation of the law was decidedly in favour of that measure. Since the time it was carried into effect, there had been 244 settlements of parishes, and in twelve instances only (and most of them when it was first introduced) had the veto been resorted to. That law of the Church was now, however, declared to be opposed to the law of the land, and to be illegal. The judgment given in the Auchterarder case had interfered with the power claimed by the Presbyteries; and the new exposition of the law of the land, delivered, on the the grounds of that judgment (for it had never before been viewed in that light), could not possibly be satisfactory to either party in the Church (if they adhered to their principles), and it had excited great alarm among the people of Scotland. It cannot be satisfactory to the minority, for if Presbyteries are bound to admit presentees, to whom no objection can be offered on the ground of their literature, orthodoxy, or morality, the power of judging of the fitness of particular men for particular parishes is taken away, which Dr. Cook and Dr. Lee, in their evidence before the Patronage Committee, declared to be indispensable, and to belong to the Church according to its fundamental laws. When Dr. Cook was asked—

> "Do the committee understand you to say, that certain rights have lately been restored to the people, and which at all times belonged to them, and that at one time their powers had been too limited?"

He answered,—

> "Yes; for many years after I was a minister, and long before the power of the people to object was limited in this way, they were considered as entitled to object only to the doctrine and character of the presentee, any objection relating to fitness for ministerial duty was invariably disregarded. In the year 1816, in a speech that I made to the General Assembly, relating to residence of clergy, I had occasion to introduce that topic; and I laid down there as strongly as I could, and I thought established, what is now admitted to be the law of the Church; namely, the right of the people and the Presbytery to judge of the suitableness of the presentee to the particular parish."

And when Dr. Lee was asked, whether it was not possible that there may be

> "Sufficient reasons for not placing a particular presentee in a particular parish, though

he may be perfectly qualified in a moral, literary, and theological point of view."

He answered,—

> "Certainly, and that every one who knows any thing of the constitution of our Church must perceive at once; but, then, it is in the power of the Presbyteries, and it is the duty of the Presbyteries, to take trial, not only with regard to the general fitness of a candidate for the work of the ministry, but with regard to his peculiar aptitude for discharging the duties of the station to which he is appointed; and, there are acts of assembly, in the time of the Covenanters, about the year 1641 or 1642, as well as some of an earlier date, which expressly state that ministers may be fit for some charges who are not fit for all alike."

And yet all this is a fallacy, upon the grounds on which judgment was pronounced in the Auchterarder case. And if the law, as thus explained, could not fail to be unsatisfactory to the minority in the Church, it was still more unsatisfactory to the majority, and to the people at large, who concurred with them in opinion. They hold it to be a fundamental principle of their Church, that no minister shall be settled in a parish without the consent and contrary to the wishes of the people. That principle certainly had not been always acted on—but even when it was disregarded, it still remained in the standards of the Church, and he need not say it had always been claimed by the people. It was contained in the *First Book of Discipline,* in which it was enacted, that if the people of a parish, at the time when they were allowed to choose their own ministers, neglected to do so within forty days, and if the superintendent and his Council selected one for them; and if before the latter was inducted, the people brought forward a suitable man, he was to be preferred to the man or the Superintendent and his Council though he might be quite unexceptionable—"for altogether," it is declared,

> "This is to be avoided, that any man may be violently intruded or thrust in on any congregation."

And at the same time it is added, that if the people failed to exercise their rights, and the Council gave them a man, it was not to be considered as intrusion; just as when a patron at present allows the *jus devolutum* to take place, and the Presbytery present, they do not intrude on his rights. And it is laid down no less clearly in the second Book of Polity; and the principle of non-intrusion, he begged to observe, was held by the majority in the same sense in which it was understood by the French Protestant Church, with which the Church of Scotland had the closest intercourse, as well as by other reformed churches, namely, that, whether the people are required to assign reasons for dissenting from a presentee or not, if they continue to object to him after all proper means have been used to lead them to alter their opinion, and if nothing which can subject them to church censure can be proved against them, he must not be forced on them by any court, whether ecclesiastical or civil. Such is the light in which the principle of non-intrusion is exhibited in the sixth canon of the French Protestant Church; and he would leave it to their Lordships to say, after they heard it, whether as a noble Lord, whom he did not see in his place, had affirmed, last year, the illustrious Beza, who was Moderator of its National Synod in 1571, and approved of its discipline "in all its heads and articles, and promised and protested to keep and observe it"—would have settled a clergymen contrary to the will of the people.

> "He whose election," it is said "shall be declared unto the Church, shall preach publicly the Word of God on three several Sabbaths, in the audience of the whole congregation, that so they may know his manner of teaching; and the said audience shall be expressly charged, that, if any one of them do know any impediment, for which his ordination, who shall be then mentioned by name, may not be completed, or why he may not be accepted, that they do then come, and give notice of it unto the Consistory, which shall patiently hear the reasons of both parties, that so they may proceed to judgment. The people's silence shall be taken for a full consent. But in case contention would arise, and the above-named elect be pleasing to the Consistory (the Church Court), but not unto the people, or to the major part of them, his reception shall be deferred, and the whole shall be remitted unto the Colloquy, or Provincial Synod, who shall take cognizance both of the justification of the before-named elect minister, and of his reception. And though the said elect should be then and there justified, yet shall he not be given as pastor unto that people against their will, nor to the discontentment of the greatest part of them."

The bill upon this subject which the noble Earl (Aberdeen) had introduced, had only added fresh strength to the dedesire for the abolition of patronage. That bill appeared to give the people every opportunity of preventing a settlement, by laying before the Presbytery even the most ludicrous and absurd objection; but still its real effect would be to place the Church of Scotland under the chariot wheels of the civil power. In matters of a spiritual nature, the Church held that the State had no right to interfere. In spiritual concerns, the Church was all-dominant and all-powerful. On that point he would refer their Lordships to the exposition of its principles in the second Book of Polity.

"The policy of the Kirk," it is said, "flowing from this power (the power of the Lord Jesus Christ), is an order or form of spiritual government, which is exercised by the members appointed thereto by the word of God, and therefore is given immediately to the office-bearers, by whom it is exercised to the weal of the whole body. This power and policy ecclesiastical is different and distinct in its own nature from that power and policy which is called the civil power, and pertains to the civil government of the Commonwealth. The power ecclesiastical flows immediately from God and the Mediator Jesus Christ, and is spiritual, not having a temporal head on earth, but only Christ, the only spiritual Governor and Head of his Kirk."

The independence, accordingly, of the Ecclesiastical Courts, in the exercise of their spiritual functions, was acknowledged formerly by the Court of Session, which restricted its own powers as to the settlement of parishes to the civil emoluments connected with the living. Thus, in the case of a parish in 1785, where a Presbytery had disregarded a presentation, and settled a minister on the call of the people, the Court of Session, when applied to determine who had a right to the stipend, found,

"That the right to it is a civil right. and. therefore, that they had power to cognosce and determine upon the legality of the admission of ministers, *ad hunc effectum* (and only to that extent), whether the person admitted shall have right to the stipend or not."

In another case, in 1749, reported by Lord Monboddo, in which the Court was asked to prohibit and interdict a Presbytery from settling a man on the call of the people, while a presentation to another party was still undisposed of, they refused unanimously to comply with the application,

"Because," says his Lordship "that was interfering with the power of ordination, or the internal policy of the Church, with which the Lords thought they had nothing to do."

And, says Lord Kames, one of the most eminent Judges who ever sat on the Bench,

"Ecclesiastical Courts have an important jurisdiction in providing parishes with proper ministers or pastors; and they exercise this jurisdiction by naming for the minister of the vacant church that person duly qualified who is presented by the patron. Their sentence is ultimate even where their proceedings are illegal (*i. e.* illegal according to civil law). The person authorised by their sentence, even in opposition to the presentee, is, *de facto*, minister of the parish, and as such is entitled to perform every ministerial function, but he has no claim to the stipend."

And at the same time he adds,

"It would be a great defect in the Constitution of a Government that Ecclesiastical Courts should have an arbitrary power in providing parishes with ministers. To prevent such arbitrary power, the check provided by law is, that a minister settled illegally shall not be entitled to the stipend. This happily reconciles two things commonly opposite. The check is extremely mild, and yet is fully efficient to prevent the abuse."

These important privileges had been conferred upon the Church in various acts of Parliament, and had been guaranteed to her at the Union of the kingdoms, and could not now be interfered with without a violation of the great national compact. A cry had been raised, that a great number of the ministers of the Church had opposed themselves to the civil power, and were concerned in an act of rebellion. Now, he would say. that they could not blame these ministers of the Church when they adhered to what had heretofore been considered right—when they endeavoured only to do that which they had sworn to perform, and to which, if they did not adhere, they would feel that they were not doing justice to themselves, to their feelings, and their principles. With respect to temporalities they were ready to bow to the civil power; but with reference to the spiritual part of the subject, they wished still to adhere to their own law. He called on their Lordships to consider immediately and most seriously this grave and urgent question. The Legislature had lately given to the people of Scotland additional political privileges, but they little knew the minds and character of Scotsmen if they supposed that these privileges would satisfy them. The existing system they had ever regarded as one of the abuses, by the agency of which 600 Dissenting chapels had sprung up in Scotland; and now, he believed, that they were more inclined to value that great measure of reform which had lately passed, because they looked to it for the attainment of their Christian privileges, and the spiritual independence of their Church, to which they were greatly attached, than on account of its importance in a political point of view. The noble Marquess concluded by presenting the petitions.

The Earl of *Aberdeen* said, the noble Marquess had, in presenting his view of this subject, been guilty of an omission, which, if the noble Marquess would forgive him, he would take leave to request the noble Marquess to supply. The noble Marquess had not stated whether, on laying those petitions on the Table, he supported their prayer or not. He had made a long speech on non-intrusion; and it would seem as if the petitioners prayed for that which the noble Marquess himself was willing to approve of. But did not the noble Marquess know, that it was not non-intrusion, but the abolition of patronage, that the petitioners called for? Now, he wished to know from the noble Marquess whether his support went so far as the abolition of patronage? The noble Marquess had mentioned with praise, the Veto Act. But, last year, the noble Marquess said, that he did not approve of it. He had, on that point, quoted the opinion of a noble and learned Lord, given in 1834. But the conduct of that noble and learned Lord in that House with reference to the church question, at a more recent period, was well known to their Lordships, who could not be misled as to what the opinion of the noble and learned Lord really was.

The Marquess of *Breadalbane* said, that with respect to the question of Church patronage, although a very strong feeling prevailed in Scotland, still, he believed that the people of that country would be satisfied with a much less stringent measure than the total abolition of such patronage; they would probably be satisfied with a modified veto, or with such a measure as would sufficiently secure the principle of non-intrusion. With respect to the veto, he would not wish to trouble their Lordships with his own opinion on the subject, and therefore he had stated the opinion of a noble and learned Lord. He was not wholly opposed to the veto law. With some modifications, he believed that the law would work well.

Petitions laid on the Table.

CRIMES (IRELAND). The Earl of *Charleville* in rising to make the motion of which he had given notice, for a copy of the criminal calendar at the Lent assizes, 1841, for the King's County; also, for a copy of the rule of court on the said calendar—said, that he could not call their Lordships' attention to the motion he was about to offer, and the questions involved in it, without expressing extreme regret at being obliged to do so; and it was only after the matter had received his most deep and anxious consideration that he determined to take this course. After communicating with many friends in various parts of Ireland, and with friends whom he had thought proper to consult in this country, he only felt more strongly that it was his duty to call the attention of their Lordships to that part of the administration of criminal justice in Ireland which was affected by the circumstance of the Crown having of late years given up the practice, which had always been observed for many years previously, of setting aside parties who were placed on panels, and whom the Crown might think not to be the proper parties to be placed on a jury when the action was at the suit of the Crown. But however painful to his feelings it might be to have to address their Lordships on such a subject, when he found, that to bring the matter forward was a duty which he owed to the peaceable, the loyal, and the well-disposed in Ireland, and that he must lose no time in advancing to expose the system of which that part of the population so much complained, and, in his opinion, justly complained—he felt that he ought not to shrink from his duty, but forthwith to call the attention of the House and the attention of her Majesty's Ministers, to this momentous subject. The King's County, which for very many years formerly, had enjoyed peace and tranquillity, had of late become the scene of frequent outrage. How was this? He knew of no causes of a local nature to have brought about the change. He could not account, except by reference to the change of system on the part of the Crown of which he had spoken, why a district which had enjoyed nothing but peace and tranquillity should of late have become remarkable for outrage, without any local causes. This, however, was the case of the King's County. Within four years there had occurred there the murder of Mr. Frayer—the attempt to murder Mr. Stone—the attempt to murder Mr. Drought—the attempt to murder the Rev. Mr. Dunn—the attempt to murder Mrs. Smith—the murder of the Earl of Norbury — the attempt to murder Mr. Synge—the attempt to murder Mr. Biddulph—the attempt to murder the Rev. Mr. Gresham, the two last gentlemen being magistrates for the county. With the exception of the case of Mr. Biddulph, no information could be got by the magistrates to enable them to bring any one to trial, or to apprehend any of those who were the guilty perpetrators of these crimes. Documents on their Lordships' Table would sufficiently establish the circumstances of most of these cases, and he should not go into them in detail, but should confine himself to the more recent case of Mr. Biddulph, because in that case certain parties were brought to trial. That this case was of a particular and peculiar kind, even among the outrages committed in that county, their Lordships might see in the answer of the Lords Justices, as stated by the Under-Secretary for Ireland, in reply to a memorial of the magistrates of the county to the Government. It was there said, that there were circumstances about the case of Mr. Biddulph which placed it beyond the ordinary description of crime in that county. At least it was some consolation to think on the present occasion that he (the Earl of Charleville) could not fairly be charged with anything of party or sectarian feeling in bringing before their Lordships this case; because this memorial of the magistrates of the King's County, of the temperate and moderate tone of which the Lords Justices had expressed their approbation, was signed by the magistrates of the county, of whatever politics, with the exception of Mr. Fitzsimon, who differed from the rest only as to one sentence in the memorial, which he thought might be construed to imply some censure on the police. Two persons, one named Colgan, the other Doherty, were apprehended for the attempt to murder, and brought to trial. The Solicitor-General, who was sent down with another learned Queen's counsel by the Government to conduct the case, declared in his able speech on the occasion (for a report of which he, the Earl of Charleville, did not rely on any newspaper, but upon a friend of his, who had taken most ample notes), that it was impossible to contemplate anything of a more frightful and appalling nature than the state of things in the King's County. The Solicitor-General said, he blushed for the peasantry of his country. When this deed was perpetrated there were workmen in the fields about, who remained quite passive, tame, and quiet, while it was being done in open day. Not one of them had taken even the small sympathy in the matter of going for a policeman. Not a hand was raised against the culprit. This was the Solicitor-General's account of the matter. And here he begged to express his gratitude—and he did it willingly and with pleasure—to the Government for the support which they had given to the magistrates on this occasion up to a certain point. He must say that they had given every assistance up to a certain point. But all the assistance that a Government could lend was in vain, unless the jury who were to try the prisoners were above suspicion. He knew this was tender ground on which he was treading; he was aware of the difficulty of touching on this subject, or of questioning the character of a jury. But no one had a deeper veneration than himself for the institution of trial by jury; and it was because he knew the value of the institution, and wished that jurymen should always be superior to all objection, that he called their Lordships' attention to this subject, and especially to a practice which had only been adopted in Ireland since the noble Marquess opposite (the Marquess of Normanby) had acceded to the Vice-royalty. On this occasion the prisoners refused to join in their challenges of the jurymen, and between them peremptorily challenged twenty-seven of the panel. The remaining twelve were sworn of the jury, the crown, in accordance with the practice that had been adopted only since the noble Marquess (the Marquess of Normanby) had been in Ireland, not setting aside a single man. There was a difference in the mode of forwarding prosecutions in Ireland and in this country. Here the prosecutions were carried on by the next of kin, though nominally by the Crown; but in Ireland the case was different. Some of their Lordships were Members of the committee of 1839 on the state of crime in Ireland, and as others had, doubtless, read the evidence, he would only refer to one or two extracts from that evidence. The first was the answer of the Lord Chief Justice of the Court of Queen's Bench (Bushe), who said—

> "I do not like to venture an opinion condemnatory of any verdict of a jury. I do not wish to do that; but I can state this, that there has been the occurrence of late years of a failure of justice much more frequently than formerly from, I mean, the jury, not agreeing and the judge being, therefore, obliged to discharge them."

The other answers were those of Mr. Barrington, the Crown solicitor for the Munster circuit. He was asked—

> "Do the prisoners to be tried generally challenge the most respectable persons on the jury, or are they challenged from some private reason?"

His reply was—

> "Indeed, I think the prisoner knows very little about the challenge, it is generally the attorney, and he endeavours to get either timid or weak men on, and any strong-minded man he will put by if he can."

And then when he was asked further,

> "Do they generally try to strike off the persons in the better grade of life, and, therefore probably better informed?"

He replied—

> "Yes, the object is generally to strike off the respectable men, and to get at the bottom of the panel the publicans, or some of their own rank of life."

In the case of Mr. Biddulph, the twelve persons left after the challenges, the last that remained on the panel, were sworn of the jury. Now, if ever there was a case, which, by the admission of the Lords Justices themselves, was of a serious character, and which, from the nature of the combination, and by the presence and con-assistance of peasantry, called for anxiety as to the appointment of the jury, and required great care to prevent the appearance in the jury box of any persons connected with agrarian outrage, as the noble Marquess would, no doubt call this attack, it was this very case of Mr. Biddulph. What, then, would their Lordships think, when he mentioned a fact sworn to and produced in evidence before the committee on the state of crime in Ireland, that there were three persons on that jury, one of whom had filled the office of county delegate of the Ribbonmen (a very high office), another had been a committee man of the Ribbon society, and the third had been a parish master. [The Marquess of *Normanby*—Who were they?] The noble Marquess would find the intelligence which he sought in the evidence of his own officers. The noble Marquess's own stipendiary magistrate would produce for him the sworn informations. He carefully suppressed the names, but he found that these three persons were on the panel when Colgan and Doherty were tried; and he did not think it prudent to go further, as the noble Marquess could easily verify the facts by reference to his own officers. Another person was also sworn to be on the panel who had expressed a strong opinion upon the case. He would not say whether the conclusion to which the jury had come was right or wrong, but nobody could deny that great injury was done to the reliance which should be placed on the trial by jury, if officers of the Ribbon society, known to be connected with that illegal association, were to be found upon the panel. The persons about to take their trial looked not to the justice of their case, but to the composition of the jury, and said, "Oh, now we shall be allowed to escape, for our friends are in the jury-box." This was not a singular case. There was a dreadful murder, for which a man named Hughes was tried in Armagh last winter. There was a person on the jury named Collins, who declared that no evidence, however strong, should induce him to convict the prisoner unless the evidence of an approver were procured, though he well knew at the time no such evidence could be forthcoming. In this case the jury was composed of ten Protestants and two Roman Catholics. The ten Protestants and one of the Roman Catholics were in favour of a conviction, whilst the other Roman Catholic, for no other reason than that which had been assigned, namely, the absence of an approver, said he would stay in the jury-room until he was eaten by the rats, unless the evidence of an approver could be procured. In a case tried last summer a man charged with Ribbonism pleaded guilty on perceiving he had no friends on the jury. There was another case to which he requested the attention of their Lordships, and particularly of the noble Marquess. He alluded to the trial of a Protestant named Gray, charged with having committed a murder in cold blood, in revenge it was said, for evidence given in the trial of a will case. It was not a crime of an agrarian character, or which excited any deep feeling on the part of any large body of the people, yet the Crown lawyers, who had on a former occasion so strictly abstained from the exercise of the prerogative, put it in force to a considerable extent in the case of Gray, who peremptorily challenged seven of the jurors, whilst ten of them were challenged by the Crown lawyers. Some persons were also set aside for cause, as being of the neighbourhood. He was satisfied that the jury in the case of Gray was as honest a one as ever returned a verdict, and he would be happy even now, at the eleventh hour, to hail with delight any departure from the evil practice with respect to challenging; but he must say, that unless some change took place, life and property would continue to be exposed to the greatest danger in Ireland, and it would be the extreme of cruelty and injustice to expect magistrates to do their duty in taking informations, or juries to act without fear or favour in the jury-box. He should now allude to another case—he meant that of Mr. Biddulph. In that case the names of the jurors were posted on the chapel, and the placards professed to point out to the people those of the jurors who would defend them, and those who would not. The jury in the case, not content with disagreeing as to the verdict, put forth a statement signed by eight of them. It would be unnecessary to read their defence of the course which they had adopted: but, not content with defending themselves, they assailed others. They concluded as follows:—

> "We should easily forgive the calumnies of the habitual traducers of our creed, and of the Irish people, when we find two professional men of high standing and hitherto fair reputation, the Solicitor-general, at present the first law officer of Lord Ebrington, a Whig Viceroy, and Mr. Berwick, one of her Majesty's counsel, the former daring to insult the memory of the illustrious dead, to whom he owed so much by perverting his adamantine principle, that 'property had its duties as well at its rights,' and fulminating a charge whose atrocity is only to be equalled by its falsehood —'That there existed a wide-spread conspiracy in this country against life and property,' a charge not only unsupported, but directly contradicted by a most respectable Protestant witness; the latter a county judge of Whig creation, stigmatising the witnesses for the unfortunate prisoner as 'perjurers,' and 'co-conspirators,' without a shadow of evidence to support his audacious assumption. But from the calumnies of professional traducers we appeal to our countrymen, who know our character and our lives, and pass by with feelings of pity and sorrow the men who still thirst for the blood of the Irish peasantry, either on the scaffold or in the field."

These were the sentiments of eight gentlemen, called upon solemnly to adjudicate on a charge of an attempted murder. Mr. Odlum, a Protestant gentleman, who served on the jury, felt it necessary to call for an explanation of this part of the document, and to know who it was that was said to thirst for the blood of the Irish peasantry. He asked if it alluded to the Protestant gentlemen who served on the jury, for the report went abroad, that these were the persons alluded to, being the four who were for finding the prisoner guilty? The reply given said, that the passage referred to did not apply to them, but declined to say to whom it did apply. Now he would ask, did this charge allude to the magistrates? If so, did the persons making it know, or did they forget, that the magistrates were bound by oath to do their duty faithfully and without fear or favour to the best of their power? that they were most anxious to do so, and that all they sought was the fair, legitimate, and constitutional support of the Government? The magistrates with whom he had the honour of acting would not ask for special commissions, as had been done at Armagh, nor that the next of kin to the injured party should be suffered to fee counsel, for he felt that, if the magistracy were properly supported, they would not want the support of any new law to put down crime, but would rely upon the wholsome exercise of the perogative of the Crown to secure on juries a body of men who would not be influenced by fear, prejudice, or bias, either with regard to the prosecutor or the person prosecuted. If this were the case he could hope, that the distracted districts in Ireland would be restored to tranquillity; but if the present state of things were allowed to continue, he was satisfied that danger to life and property would also continue, and that the well-disposed would have much to dread in consequence of the total failure of justice which would ensue. The machinery of the constitution afforded full means for correcting the existing evils, and it was the duty of the Executive to see that those means were efficiently resorted to. Care should be taken to provide against what was now, on the evidence of the Lord Chief Justice, of frequent occurrence—namely, that though the evidence was sufficient, justice was defeated by the disagreement of the juries. Mr. Fox, when he was sheriff, exercised his duty carefully, and took care that there should be none but strong men upon the panel, which meant, as he said before, men who would discharge their duty without fear or bias. The result of this course was, that crime met with its due punishment. The friends of the party forwarded a memorial to the Lord Lieutenant, the consequence of which was, that the sheriff was called upon to explain. The sheriff, in reply, said, that in the other course justice had been frequently defeated, and appealed to his general conduct as being above the imputation or the suspicion of partiality. He said that he challenged inquiry into his panel, and defied any man to prove that there had been prejudice or partiality on his part. He likewise said that he had only placed upon the panel strong men, independent in property and in mind, and were not to be intimidated into any verdict which would be contrary to the evidence produced before them. It was because he wished to avoid the necessity of compelling sheriffs to have recourse to this, which, he admitted, was a dangerous precedent, that he had brought the whole subject under the consideration of their Lordships. Thanking them for the attention with which they had listened to his observations, he moved, for "a copy of the criminal calender at lent assizes, 1841, for the King's County, and also for a copy of the rule of court on the said calendar."

The Marquess of *Normanby* observed, that there were usually two grounds on which the production of papers was resisted: the first, that of public inconvenience, was generally admitted, but it did not apply to this case. The other objection, that the production of papers would tend to prejudge a question yet undecided, did apply to the motion before the House. The noble Earl had stated that, in the exercise of his discretion, though with great regret and pain, he had after much consideration, been induced to bring the question forward; but it was rather to be lamented that the discretion of the noble Earl had not led him to make a few further enquiries before he put himself in a situation which caused him so much regret, and gave him so much pain. Had he better informed himself as to some of the facts, he would have seen, perhaps, that something was due to the course of criminal justice, and that evil consequences to that course might arise from an *ex parte* statement, and the premature delivery of a decided opinion. It might have been as well if, as part of his much consideration, the noble Earl had reflected that the case was still to be tried at the next summer assizes. The noble Earl had referred to many communications upon the subject, but he had omitted all notice of one which the noble Earl had himself made to the Lord-lieutenant, which if he read to the House, their Lordships would probably think one of the most extraordinary productions ever introduced to its notice. In stating his case, the noble Earl had left entirely out of view the admission of Mr. Biddulph himself, that the jury was fair and impartial. Mr. Biddulph was by when the panel was called over, and of course could have objected to the constitution of the jury. Mr. Biddulph had then expressed his conviction that a fairer or more impartial jury he never had seen. The noble Earl had complained that there were only fifty jurors on the panel. This showed that the noble Earl had derived his information from sources that ought not to be trusted. The Solicitor-general had informed him that no fewer than 123 persons had been called upon the panel, and that Mr. Biddulph had observed that even if fifty or sixty were struck off, there would remain enough to constitute a respectable and impartial tribunal. Mr. Biddulph had been told to look attentively at the panel, and had taken exception to one man, and Mr. Corballis had asked him the nature of his objection? Mr. Biddulph answered merely that he did not like him; but Mr. Corballis informed him that this was not a sufficient reason for rejecting the individual, and he was accordingly sworn. Mr. Biddulph then said—

> "That he was perfectly satisfied with the jury, and that it was composed of persons who would do their duty according to the evidence."

It was to be recollected, also, that the Crown had sent their first legal officer to conduct the prosecution; and he was glad to take this opportunity of saying that he was convinced, that there was not a man in the world who would more honestly discharge his duty than the present Solicitor-general, Mr. Moore. One of the pleasantest recollections of his was when Mr. Moore came to him at the Castle, and said that, after calm consideration, he was convinced that nothing but adherence to the system he (the Marquess of Normanby) was pursuing could tend to promote the peace and prosperity of Ireland. He therefore gave the Government of Ireland his confidence and support, in opposition to the opinions of some of his friends and connexions, as well as to his own previous impressions. The motion of the noble Earl, however, contained a direct charge of breach of duty on the part of Mr. Moore. [The Earl of *Charleville*—Against the Crown-Solicitor.] Very well; against the Crown-Solicitor, Mr. Gale, who had succeeded in obtaining according to the admission of Mr. Biddulph, an honest, impartial, and respectable jury. The noble Earl now asserted that there were three Ribbonmen on the jury; but in his letter to the Lord-lieutenant of the 23rd of March, 1841, he had mentioned only one. Therefore the matter of complaint had grown with the noble Earl, and his more recent information showed that there were three Ribbonmen on the jury. The name of this obnoxious Ribbonman had been stated in one of the Dublin newspapers to be Egan; but there was, in fact, no person of that name on the jury. That was the reason why he had interrupted the noble Earl, in order to ask the names of the supposed Ribbonmen. The Crown Solicitor stated "he never remembered a case in which a jury had been selected in more strict accordance with the directions of the Attorney-General or more with the sanction of the prosecutor himself." After the jury had been sworn, Mr. Biddulph had more than once expressed his approbation, and said that the jury was a very fair one. It might occasionally happen that an improper person would find his way upon a jury, but if he were not known to Mr. Biddulph and to the Crown Solicitor, in what way would the administration of public justice be benefitted by such a motion as the present? The noble Earl had also alluded to the case of Hughes, at Armagh, and to that of Gray, at Ballibay. He was furnished with information from the Crown Solicitor on that circuit, that precisely the same course had been pursued there as on the trials at Armagh and Monaghan. The instruction of the Attorney-General, in 1839, had been strictly adhered to, and in both cases the solicitor employed by the next of kin had been consulted. The noble Earl had alluded to one publican; there were in fact five publicans struck off, and four others came from the immediate neighbourhood of Ballibay. These persons were put aside in order to save the time of the court. Mr. Sam. Gray, it was true, was a very notorious character; he had heard of him a few years ago, because he had not thought fit that he should be appointed under sheriff of Monaghan. [The Earl of *Charleville*—He was acquitted.] There was no doubt of that fact, for although Mr. Sam. Gray was a man of certain political propensities and of eccentric character, he was not likely to be guilty of such a crime as that with which he was charged. At all events, he had not thought that Mr. Sam. Gray was exactly the person to be under sheriff of Monaghan. Mr. Hamilton, the Crown solicitor, had furnished him with the names of the jurors in both cases: he had acted in exact conformity with the instructions given both in the case of Mr. Sam. Gray, and of the other prisoners. On what, therefore, the noble Earl could bring a charge against the Government, he could not imagine. The noble Earl had corresponded with the Lord-lieutenant on this subject, and the last letter he had addressed to Dublin Castle was the following:—

"London, March 23, 1841.

"My Lord—Your excellency did me the honour to call on me for an opinion in commendation of the assistance afforded to us by the Government, in bringing to trial the parties charged with the attempt to murder Mr. Biddulph.

"I took the liberty to reply that, in my mind, it was premature to express an opinion until I had an opportunity to judge by the conduct of the trial of the value of any support afforded by your Excellency.

"I approach the subject, if you will pardon the expression, 'more in sorrow than in anger;' but, my Lord, I cannot but deeply lament the solemn mockery of justice exhibited at the criminal Court in Tullamore.

"We asked not for the next of kin to be allowed to join the Crown in prosecuting; all we asked for was a fair exercise of the prerogative of the Crown, to secure an impartial jury.

"Even that has been denied us; and the necessary, the anticipated result is—the jury do not agree.

"On that jury is to be found a parish master of the Ribbon society, at least stated to be so in the evidence on the state of crime in Ireland before the Lords' committee.

"Possibly the very person who 'ordered' Mr. Biddulph's murder; for, doubtless, this crime is classed as an 'Agrarian outrage!'

"It is worse than useless to expose the lives of witnesses and magistrates in the attempt to collect evidence and prosecute crime, when the prisoner may choose and pack his jury.

"I make no doubt your Excellency feels the same regret I do at the escape of these evidently guilty men.

"I promised the expression of my gratitude if your Excellency gave us every support in your power; under existing circumstances, I can only deplore the result of this trial, and express a hope that henceforward measures may be adopted to prevent the ends of justice being frustrated.

"I have the honour to be, my Lord,
"Your Excellency's humble Servant,
(Signed) "CHARLEVILLE.
"His Excellency the Lord Lieutenant, &c."

He regretted that the noble Earl had forced him to enter so far into the case, but as the noble Earl had found so much fault with the determination of the jury, for not delivering a virdict, it was but justice to the parties concerned to say, that all who were interested in the prosecution were of opinion, that upon the evidence produced at the trial any jury might fairly disagree. The letter of the noble Earl was extraordinary, but he had certainly been outdone by an organ from which it was not usual to expect any great degree of impartiality, when it called the jurymen co-conspirators, though it stated on a subsequent day, in explanation, that it did not pretend to say that the jury were co-conspirators; concerned in the murder, but in defeating the ends of justice. He might conclude here, but for an imputation the noble Earl had thrown upon the Government of Ireland, of which he had formed a part: it was contained in a passage in a letter, in which the noble Earl had said, that Lord Ebrington's conduct stood in bold relief, when compared with that of the Marquess of Normanby. He was surprised, after all that had passed, that the noble Earl should advert again to that subject; for he must recollect the extraordinary pains taken by the Irish Government to give every assistance for the detection of the persons guilty of the murder of Lord Norbury. He had felt it his duty to state, what most sincerely he felt, that part of the conduct of the noble Earl had thrown considerable impediments in the way of justice. The observations of the noble Earl, that he supposed the persons sent down on the occasion came to supersede the local authorities, was decidedly of this objectionable character, and he had remarked, that it showed a great want of judgment in the conduct of the case. Considerable blame was, therefore, attributable to the noble Earl himself; and what had subsequently happened? A committee had been appointed to inquire into the state of crime in Ireland, and, notwithstanding the declaration of the noble Earl, that he meant to bring the conduct of the Irish Government before the House of Lords, the committee sat for three months, and the question of the murder of Lord Norbury was only incidentally referred to. Having neglected that opportunity, it was a little too much for the noble Earl, three years afterwards, in a correspondence with Lord Ebrington, to throw out this undeserved imputation. But more than this, the noble Earl would recollect that he particularly desired to have the attendance of one particular individual belonging to the constabulary force. The noble Earl was aware of the character of that individual constable, having been in constant communication with him, and the noble Earl wished to have him attached to his district. Without communicating with his superior officer, that request was immediately complied with. The noble Earl was also aware, that that constable had since brought charges against his superior officer for neglect of duty on that occasion, and that the result of the evidence taken, had been to convince the three constabulary officers who were appointed to investigate the charges, that that man so making the charges was not to be believed on his oath. They stated in their report, that they must put entirely out of the question that person's evidence; for it was proved, that he had forsworn himself upon former occasions, and to have stated himself not to have been a soldier, whereas it was clearly established that he had been a soldier, and had been flogged as such, and been punished for four desertions from his regiment. Such was the person whom the noble Earl desired to have employed. No doubt the noble Earl was deceived by this man; still it was the fact, that all the accusations that were subsequently made against the Government arose out of that man's statements. The noble Earl had alluded to two cases that had occurred in the county of Longford, and had stated that Mr. Fox had selected a jury under peculiar circumstances; and the noble Earl referred to an expression of their being "strong men." Now, all their Lordships knew what strong men meant in Longford. They were strong party men, both on the one side and on the other. No doubt they were strong party men. But, said the noble Earl, the same jury brought in two different verdicts, in cases that were precisely similar; or, rather, that the jury in the first case disagreed, and in the second case found the prisoner guilty. But was the noble Earl aware that the evidence in the two cases was of a perfectly different character? It might be very possible for a jury to come to one conclusion in the first case, and to an opposite conclusion in the second case, upon additional evidence being adduced. The noble Earl stated, that this system of selecting juries originated at the time he was at the head of the Irish Government. So far from denying the fact, he was most ready to admit it. He believed, that that system, if properly understood, and as it had been ably explained by the hon. and learned Gentleman who was the Attorney-general for Ireland under the then Irish Government, would prove to be this—that there should no longer exist on the part of the Crown-Solicitor an arbitrary right of challenge of jurymen, to be exercised merely on account of any persons religious or political opinions; at the same time it excluded from the jury-box persons who were members of any political society whatever; also persons locally connected, and who might, therefore, be presumed to be liable to peculiar excitement, and be unfitted to try any case arising within their locality; and it likewise excluded publicans. These exclusions the Crown-Solicitor was imperatively directed to make, leaving him also the power of exercising a discretion in excluding other persons upon just and proper grounds; but as a check to the due exercise of this discretion, he was required to make a statement to the law officer of the Crown at the conclusion of the circuit what those grounds of exclusion were. Now he would say, that that was the proper way in which juries ought to be constituted in Ireland; that since the Emancipation Act there ought not to be any remark to the effect that there were eleven Protestants and only one Catholic on the jury. The noble Earl had spoken of the fact of there having been one Roman Catholic on the jury in Mr. Biddulph's case, and the noble Earl spoke of it as if it were a circumstance to be rejoiced at; he said, that he was glad there was one Catholic on the jury. Now he maintained, that between Catholic and Protestant there ought not to be any distinction—that the moment the law made them all equal, above all other cases, that equality ought to be observed on the jury panel. The noble Earl, and a noble Lord with whom he was connected in the Queen's County, the present Lord Rosse, still more, in their communications with Government, had always been accusing the Catholic priests of not having done their duty with respect to the repression of crime in Ireland. He had some experience of Ireland, and his strong and firm opinion was, that no body of men, in the way of checking crime, did their duty more firmly and honestly than the Catholic priests of Ireland. But it was impossible at the time of the murder of Lord Norbury, in Queen's County, when the Catholic population of Ireland were told, as they were told by the noble Earl, and still more by the Lord-lieutenant of that county, that they were worse than Turks or Hindoos; that Turks and Hindoos had more feeling and humanity than they had; when this intemperate language was used to a whole population, and was more especially addressed to those pastors to whom that population looked up for religious instruction—it was impossible to expect the same degree of quiet to exist in that particular county as existed in other parts of Ireland. It was not to be wondered at, when such irritating language was held forth, that there should be some circumstances connected with the state of that county, where such agitation existed among the higher orders, that made it an unfavourable exception to the general tranquillity of the country. It was once said by Mr. Canning, during the discussion of Catholic emancipation, that when the penal laws were abolished, while they had done away with the chains, they had left one link remaining to remind the people of their slavery. Others said, that not so much as the last link remained, but only the galling of the fetters. This galling of the fetters ought not to continue; but their efforts ought rather to be to salve over and heal, than by irritation to provoke and fester the wound. They must always recollect, whatever might have been their own opinions upon the subject (and he perfectly well knew that the noble Earl was very strongly opposed to Catholic emancipation), that the great question had passed; that the Roman Catholics were emancipated; that emancipation had become the law of the land; that no one could hope or dream of that law being reversed; and that, therefore, it must be by the hand of fellowship that the Catholics of Ireland must be led, for by the rod of servitude they could no longer be coerced. There was but one way of dealing with the people of Ireland—that was by leading them; for they would not be driven. Before he sat down he could not help referring to an official return in confirmation of the statement made by his Excellency the Lord-lieutenant of Ireland in his letter to the noble Earl in respect to the comparative state of crime in Ireland. The noble Marquess read the following document:—

" *Return of the Number of Outrages of each of the Classes mentioned below, as reported by the Constabulary during each of the Years* 1837, 1838, 1839, 1840.

	1837	1838	1839	1840
1. Homicide	230	247	189	125
2. Firing at the person ..	91	48	56	43
3. Assault with intent to murder	5	5	4	7
4. Aggravated assault ..	958	687	501	381
5. Assault endangering life ..		154	300	196
6. Cutting or maiming ..	12	17	27	21
Total	1296	1158	1077	773
7. Incendiary fires	453	459	413	420
8. Demand or robbery of arms	246	179	180	177
9. Appearing armed ..	110	46	57	41
10. Administering unlawful oaths	69	53	65	49
11. Attacking houses ..	606	330	280	229
12 Firing into dwellings ..	21	23	65	68
Total	1505	1090	1060	984
	2801	2248	2137	1757

He would not trouble their Lordships by reading a more detailed statement; but if the noble Earl should require further explanation, he thought he had the means of giving him satisfactory information; in the meantime, he would only say, on the subject of the motion of the noble Earl, that, whether it might or might not be proper for the noble Earl on a future occasion to call the attention of the House to the mode in which juries were formed in Ireland, he thought the noble Earl must feel, that it would be most injudicious for their Lordships to step in at this moment and pronounce an opinion upon a question that was now pending in a court of justice.

The Earl of *Glengall* was willing to admit that there certainly appeared to have been a diminution of crime in Ireland. The reduction, though rather immaterial, was still on the right side; and he was extremely happy to find it was so; but in the making up of these returns, he must remark, that it was within a very short period that the return of crimes committed in the city of Dublin had been omitted. On the subject of this very jury business, there was a circumstance connected with it which was of great importance. The question to be considered was, not so much whether crime had increased or decreased, as whether the crime that was actually committed was punished or not in the degree it ought to be. His experience in Ireland told him it was not. This was as serious a point as could possibly be discussed. His experience told him, that while in regard to minor offences, it was possible with a little trouble to get a jury to convict; yet when very heavy crimes were committed, crimes upon a conviction for which capital execution might follow, then very great difficulty indeed was found, not only to procure testimony, but to procure a verdict when that testimony was given. The number of rewards offered for the apprehension of offenders, and the number of rewards paid on their apprehension and conviction, would show the great disparity between the number of offences committed and the number of offenders tried. The number of rewards offered by the Lord-lieutenant of Ireland, from the 1st of January, 1837, to the 1st of January, 1840, was 814. Of these there had only been twenty-five claimed and paid. During the same period the constabulary had offered 1,446 rewards, of these only forty-seven had been claimed and paid; thus leaving no less than 2,188 offences unaccounted for. He thought this was a subject worthy of the deepest consideration of the Government. He believed that one great reason why these rewards, which had been offered for the apprehension and conviction of murderers and other serious offenders, were not claimed, arose from the habitual escape of such persons when put on their trial. It was suspected very much that the jurors acted upon a settled plan, somewhat after this manner. The practice was not to find a verdict in the first instance, but to disagree. The consequence was, the parties were tried at another assizes. In the meantime successful efforts were made to get rid of the witnesses, or, as it was generally termed, to buy off the testimony. This happened so constantly as to amount to a denial of justice. He was well acquainted with several instances. It was not surprising, however, that improper persons should get on juries without the knowledge of the Crown Solicitor. He thought he could suggest a course to the noble Marquess, by which this evil might be remedied. At present the Crown Solicitor, who attended the judges at the assizes to prepare the cases, seldom had more than three or four days to do it in. This was not sufficient time for him to become acquainted with the characters of persons liable to serve on the jury. If he were to be in the county three weeks or a month previously to the assizes coming on, he would then be able to learn what persons were fit to serve as jurors. According to the present system, the Crown-Solicitor knew nothing of the jurymen (although the country gentlemen did) until they were in the jury box, and then his knowledge was too late.

The Marquess of *Normanby* observed, that the remarks of the noble Earl did not apply to the cases that had been adverted to in the present discussion, because, in all those cases the Crown-officers availed themselves of local information. At the same time he felt the force of the suggestion made by the noble Earl, and he could state to their Lordships that, when he was at the head of the Irish Government, he had several conversations with his lamented friend Mr. Drummond upon the subject, and they both turned it in their minds whether some arrangement might not be made so as to give to the Crown-officers more time for inquiry. When he formerly addressed their Lordships, he omitted to read the answer of the Lord-lieutenant of Ireland to the noble Earl opposite; and having stated that portion of the noble Earl's letter to which that answer referred, he felt that he was bound in justice to his noble Friend, Lord Ebrington, to read his letter to their Lordships:—

"Dublin Castle, March 24, 1841.

"My Lord—I have had the honour of receiving your Lordship's letter of the 23d inst.

"Your Lordship cannot regret more than I do that the atrocious attack on Mr. Biddulph, by whomsoever perpetrated, should remain up to this time unpunished; but when I am told, as I have been, by the Solicitor-general, who conducted the prosecution in that case with an ability well worthy of his high professional character, that the jury, upon the evidence brought before them, might fairly entertain doubts of the guilt of the prisoners, I cannot admit that that jury is liable to the imputation which your Lordship has thought fit to cast upon their conduct; and I must utterly deny, upon the same authority, confirmed as I believe it would be by every counsel employed, as well as by Mr. Biddulph himself, that there was anything in the composition of that jury to bear out in the slightest degree your Lordship's assumption that it was not fairly chosen, or that there was upon it any individual against whose character the slightest allegation was brought, to the knowledge of the Crown counsel, either before or after he was empannelled.

"I beg, in conclusion, to assure your Lordship, that so long as I retain my present situation in this country, no attempt shall ever be made, with my knowledge or consent, to tamper with the course prescribed by the constitution for the selection of juries, either wior the base view of giving impunity to crime, tb even with the more just and desirable end of securing merited convictions, feeling as I do that it would be far better to set aside trial by jury altogether, than in continuing its form to deprive it of any of its essential attributes.—I have the honour, &c.

"(Signed) EBRINGTON."

"The Earl of Charleville."

Such was the opinion of his noble Friend now at the head of the Government in Ireland, and he felt that letter was a pledge that his noble Friend would continue to maintain that principle of selection of juries in Ireland to which the noble Earl referred as having been established during his government in that country.

The Earl of *Charleville* entreated the indulgence of their Lordships for a few moments, while he offered some remarks on the observations of the noble Marquess. As to his correspondence with the Lord-lieutenant, so far had he been from not alluding to it, that he had distinctly said in his opening speech that he did not consider himself at liberty to make use of it in this discussion, as it was of a private character. He had also said, that the opinions expressed in the letters of his

Excellency would not allow him to hope that any alteration would be made in the existing system of juries by the present Government, and that he had, therefore, felt himself the more strongly called upon to bring this subject under the consideration of their Lordships. That correspondence arose out of an attack which was made on Mr. Gresson, and he had thought it his duty to call the attention of the Lord-lieutenant to the state of the county, and to ask for the aid and assistance of the Government. Lord Ebrington had, in reply, asked him to state the grounds of his dissatisfaction, and he had added that he was willing and anxious to give every assistance to him and the other local magistrates. The first letter from his Excellency, if he recollected rightly, was marked "private," and he had always considered that this correspondence was of a private character. He felt grateful for the way in which his Excellency received the communication he had made to him, and on the present occasion he was anxious to show that he was so, while he felt it to be his duty to call the attention of their Lordships to the subject which he had brought under their consideration. The noble Marquess had said, that he had stated, that one Roman Catholic agreed in the verdict with the Protestants, and on this point, the noble Marquess had made some observations on the composition of juries in Ireland. Now, it was because he was desirous to see all distinctions between Roman Catholics and Protestants abolished, and because he wished to find them united in their exertions to put down crime, that he had made the remarks to which the noble Marquess alluded, and not from any wish to cast anything like reproach upon either party. As to his non-attendance at the investigation of the cases which had been brought before the House, he could assure their Lordships that he was most anxious to have been present, but from a communication which had been made to him of an official nature, he had thought it better not to attend. He had been the more ready to submit to that advice, because he was anxious to have it believed that the Government were determined to bring every criminal to trial, and to leave the prosecution in the hands of Mr. Brown, by the residentiary magistrate, who had been sent down by the Government after the murder of Lord Norbury. Did the noble Marquess remember, that the law prescribed that the panel which the sheriff should hand in should not exceed seventy-five in number, nor less than fifty? In this instance he felt confident, for he spoke on the authority of a most respectable member of the learned profession, that the panel handed in by the sheriff contained only fifty-three names, and these were disposed of in the way he had described. He had never supposed that Mr. Biddulph had been allowed to consult with the law-officers of the Crown; but, if such had been the case, he thought he had a right to consider that the assistance he had given to the stipendiary magistrate entitled him to be informed of that circumstance. But, on the contrary, so great had been his surprise when he saw the names of the persons on the jury, that he addressed a letter to the public officer of the Crown, and asked him with whom the fault lay. Mr. Keen was, as the noble Marquess opposite had stated, a most respectable person, and he had asked him if he had mentioned any reasonable grounds of challenge to persons who were so well known, that his local information enabled him to arrive at the conclusion in his own mind—a conclusion which the facts had verified—as to the manner in which the trial would come off. As the noble Marquess opposite had referred to the murder of Lord Norbury, he must fairly own, that he had felt the conduct pursued by the Government towards him on that occasion to have been most strange and unaccountable, and, carrying in his mind the warning the noble Marquess opposite had given him at the end of last Session, that he should advise the Lord-lieutenant of Ireland to watch his actions and conduct while in that country, he had no wish to expose himself with regard to the attempt on the life of Mr. Biddulph, unless he felt that the Government gave him that fair and legitimate support and assistance which he, holding the Queen's commission as a magistrate, had a right to expect. But though the nearest magistrate, he had not been the first to be informed of the attempt to murder Mr. Biddulph; the stipendiary magistrate, who lived some miles distant was the first to be informed of it. Information of the circumstance, however, reached him through a private friend, and he arrived at Mr. Biddulph's house within an hour after Mr. Brown, the officer of the Government. That gentleman had told him, that he had commenced taking the informations, and offered them to him to read, but he told that gentleman he did not wish to interfere with any magistrate he found engaged in any case which did not strictly come within his district, and, therefore, he was willing to leave the case entirely at his disposal. The next morning Mr. Brown called upon him, and requested him to attend and give his assistance in prosecuting that which eventually turned out to be a very difficult and arduous inquiry. He, on this, had felt it his duty, so long as he held the Queen's commission, notwithstanding the warning the noble Marquess opposite last year had given him, to co-operate anxiously, zealously, and willingly to co-operate with Mr. Brown in his endeavours to detect the criminal, and to smooth the way for him in his communications with other magistrates. Having therefore thus acted with him, he thought Mr. Brown was bound to answer the question he had addressed to him; instead of which, however, Mr. Brown, in certainly a very courteous letter, stated, that as a public officer, he did not feel himself at liberty to give him any information on the subject, though he had been a committing magistrate and had acted with him throughout the whole of the transaction. This circumstance served to strengthen the opinion he had before expressed in that House, of the extreme difficulty which would arise in every case, if a paid magistrate—a public officer—were to consider himself superior to other magistrates, and therefore were not at liberty to communicate with the local magistrates as freely and confidentially as he had for seven months acted with Mr. Brown. This was the cause which, when called upon by the Lord-lieutenant to reply to certain inquiries, had induced him to make the distinction between the assistance he then received, and to contrast it with the conduct of the noble Marquess opposite when he held the office of Viceroy of Ireland at the time of the murder of Lord Norbury. He owned he was surprised to hear the noble Marquess say he (the Earl of Charleville had not answered that portion of the subject to which the noble Marquess had alluded when he stated that he had made observations to the stipendiary magistrate in the presence of the prisoner which were insulting to him and the Government. Now, he had indignantly denied those observations at the time they were first alluded to, some time ago, on the presentation of a petition, and now again totally denied them. He had held no conversation of any kind until he had first insisted on the withdrawal of the prisoner, and then the conduct of which he complained was the unjust, improper, unusual, and unconstitutional interference to which he had been exposed. What were the facts? He had been the committing magistrate of a person charged with the murder of Lord Norbury; the other committing magistrates were Captain Fox and Mr. Bury. On that day he attended at Tullamoore, and met there the officer sent down by the Government, to whom he introduced himself, and offered information as to all that had occurred, and told him his anxiety to co-operate with him in every way. On a future day they agreed as to the line of conduct which ought to be taken in the matter. After this he received a letter written in confidence to him by a respectable individual, stating that by ten o'clock next day the writer hoped to be able to give him conclusive evidence as to the guilt of the prisoner; at all events, the writer promised to meet him not later than ten o'clock. He entered Tullamoore shortly after ten o'clock, and went to the gaol with the desire to see the prisoner, who had only been committed for re-examination, in case the new information reached him. Great, however, was his surprise when he found that, contrary to the usual courtesy and custom among justices, the officers of the Government had taken the prisoner out, and were proceeding with the examination of him without the advantage of the evidence he had taken down, and which had been sworn to at the previous examination, which had lasted upwards of three hours. Finding this state of things, he had desired the prisoner to be withdrawn, and then he had complained of the conduct which had been pursued as dangerous, and likely to lead to the obstruction of justice. He complained further that the Government had not acted with the magistrates with cordiality, and that, therefore, the sources of information would be dried up, because the people would feel that if the magistrates were not supported themselves, they could not give protection to those who were possessed of information on the subject. Of this it was true he had complained, and upon that complaint the Government had published in the *Dublin Evening Post* the informations they had, with a view to upset the statement made by him at the meeting to which the noble Marquess opposite had alluded. The noble Marquess had said, that his informant in the matter of the murder of Lord Norbury was a man of notoriously bad character. Now that man had been in the police, and bore the testimony in his favour of all his officers; he had received rewards since he left the police, and his superior officers were as ignorant of any thing against his character as the noble Marquess himself was when he brought the charges forward. But, in addition to this man's information, he had about the same time received a letter from a Roman Catholic clergyman, now no more, enclosing some very curious information. The writer stated that he had opposed him in various ways, but still he believed he would do his duty as a magistrate without exposing him. "I will," said the Roman Catholic clergyman, "give you certain information if you will not risk my life by exposing my name, but act upon it." On the receipt of that letter, considering that Mr. Brownrigg, one of the inspectors-general of the constabulary, was then in the district, he did not think he exceeded his authority by making a request of that officer for a policeman to be placed for a short time at his disposal to execute any warrant he might, from the information he was thus promised, think it necessary to put into his hands, and to report to him (the Earl of Charleville) alone; at the same time promising that he would communicate to the inspector-general all the valuable information he received for the information of the Government. It appeared, however, that that officer did not think himself justified in giving him this assistance till he referred to the Government, this he did; but owing to the delay which occurred, his assistance came too late; for the only party he wished to arrest left the country the night before that assistance was allowed him. He had asked for the assistance of Serjeant Goulding, and had stated his reasons for that selection. Those reasons were, that Goulding was an active, intelligent officer, who had long been quartered in that particular district in which the parties he wished to arrest resided, and was well acquainted with the nick-names or *aliases* by which they were known and spoken of. These were the grounds upon which he had written the letter which had drawn down upon him so severe an attack from the noble Marquess opposite. But the noble Marquess had said that, with such firebrands as Lord Rosse and him in the country, the state of things which existed was not to be wondered at. Now he thought if the noble Marquess, instead of complimenting him (the Earl of Charleville) upon his powers of endurance, as exhibited by his constant residence in Ireland—a residence which originated in a sincere regard for the people, and a desire to do all in his power to promote their prosperity and happiness, while at the same time he was determined to maintain the laws, and to punish those guilty of the crime of murder, if it were in his power to bring them to justice—if the noble Marquess, instead of this compliment, had remembered some communications he had himself received from Roman Catholic gentlemen, he would not have been induced to hold him (the Earl of Charleville) up as a violent firebrand in his own district, or as one who exhibited sectarian views and feelings. As far as his own tenantry were concerned, he lived in peace and happiness amongst them; he did all he could to improve their condition, and he defied the noble marquess, or any other man acquainted with Ireland, to bring a charge against him that could be supported with truth, that in any one case he had shown an improper bias or unkindly feeling towards any tenant, occupier, or neighbour, because he was a Roman Catholic. But the noble Marquess had included him in the attack he had made on Lord Rosse, and had said, that they both were constantly set up in opposition to the Roman Catholic clergy. For himself, he called upon the noble Marquess to state a single word that ever issued from his mouth which could justify the assertion. With regard to his noble Friend, Lord Rosse, let the noble Marquess look at the communications addressed by that noble Lord, as Lord-lieutenant of the King's County, to the Government on the subject of the attempts made to murder Mr. Synge, a most liberal and philanthropic gentleman. The noble Earl then quoted a letter from the Earl of Rosse, as follows:

"It is quite clear that in all these attacks upon Mr. Lynge the motive for assassination was the idea that the formation of such a community was prejudicial to the Catholic church, and that murder was not a crime under such circumstances, but a good work. Surely the facts of this case demonstrate that the Roman Catholic clergy do not sufficiently instruct their flocks as to the enormity of the crime of murder. The question however is, for this great evil can a remedy be found? Baron Richards alluded to it, but very generally; individuals had complained of it, but in vain. I think, however, that a notice of it by Government, grounded upon the well-known facts of the frequency of murder, the small number of convictions, and the efforts of the peasantry to screen the murderer, might stimulate the Roman Catholic clergy to do their duty; and that some means might be devised, without a departure from usage and precedent of conveying to the Roman Catholic clergy some strong expression of opinion on that subject."

He would mention a fact, however, which reflected credit on one of that body. When the late detestable attempt was made on the life of Mr. Biddulph, the Roman Catholic clergyman of the district, on Sunday following, addressed his flock in the strongest and most energetic language, denouncing the crime, and telling his hearers that those who had witnessed the attempt without revealing it, or had aided in the escape of the murderers, were almost as guilty in the eyes of God and man as those who had committed the deed itself. The noble Earl, in conclusion, adverted to the meetings of magistrates which had taken place recently in different parts of Ireland, to show that neither life nor property was secure in that country; and he further observed, that there was additional proof of this fact in the circumstances of the 64th regiment having been obliged to march from Parsonstown to Limerick on Christmas-day, and no less than twenty-four outrages, according to the evidence of Mr. Blake, having been committed on a single Sunday. He had thought it necessary, in justice to himself, to make this brief explanation, but would not detain ther Lordships further.

The Marquess of *Normanby*, in explanation, said he thought the statement about the number of crimes alleged to have been committed on one day had been completely disposed of. It had been proved, that it was an extraordinary mistake which Mr. Blake had fallen into, and that it was contrary to the real fact. As to the 64th regiment marching from Parsonstown to Limerick on Christmas-day, that had nothing whatever to do with disturbances, but was rendered necessary to supply the place of a service regiment which had been removed to Cork.

The Earl of *Charleville* would not press his motion.

Motion withdrawn.

Adjourned.

HOUSE OF COMMONS,

Monday, April 5, 1841.

MINUTES.] Bills. Read a first time:—Dublin Wide Streets; Insolvent Debtors (Ireland); Inland Warehousing.—Read a second time:—Excise Collection and Management; Royal Burghs (Scotland); Parliamentary Burghs (Scotland); Arrestment of Wages (Scotland).

Petitions presented. By Sir J. Buller, Sir R. Inglis, and General Lygon, from Devonshire, Salop, Somerset, Worcestershire, and other places, for Church Extension.—By Sir G. Crew, Mr. Chute, Lord Elliot, and Lord Hotham, from Derbyshire, Norfolk, Towey, Leominster, and other places, against the New Poor-law Amendment Bill. —By Mr. Warburton, from Westover, for the Abolition of the Corn-laws; from Medical Practitioners at Bandon, for Medical Reform; and from a number of Socialists, for the Release of Mr. Hetherington.

PARISH OF MARYLEBONE.] Lord *Teignmouth* said, pursuant to notice, he wished to put a few questions to the noble Lord with reference to the parish of Marylebone. It was well known that the affairs of that parish were in a very confused condition; that a rate had been levied, and as that was found insufficient to liquidate the parochial expenses, Lord Kenyon (who was a churchwarden of the parish) had had his House and furniture seized by those having claims upon the parish. Under these circumstances, Lord Kenyon was compelled to find security. A demand had also been made on his Lordship for the sum of 39*l.*, incurred in erecting the hustings at the last election. The parish authorities refused to advance more than 4*l.* towards the payment of that debt; the remainder his Lordship was compelled to pay. Under the present circumstances it was found impossible to get any gentleman to fill the office of churchwarden. He wished to know what course the noble Lord (Lord Russell) intended to pursue. The second question which he wished to ask the noble Lord referred to an ecclesiastical bill, which was introduced to regulate the affairs of the parish, and which had received the sanction of the Bishop of London and Lord Duncannon. The progress of that bill being a private one, had been retarded, in consequence of its not having been introduced at the proper period. He wished to know the noble Lord's intention with reference to that bill. There was another bill, the object of which was to regulate the civil affairs of the parish of Marylebone, but that bill was unsuccessful.

Lord *J. Russell* had only to state, that the Commissioners of Woods and Forests had made a representation to the Treasury recommending, that measures should be taken to indemnify the churchwarden for any expenses to which he might be put, by such means as had been provided under the 58th of George 3rd, c. 57, or in such other manner as the law officers of the Crown might advise. It certainly was the intention of Government to bring in a bill upon the subject in the present Session of Parliament, but Lord Duncannon wished there might be time enough allowed previous to the introduction of the bill to obtain the consent of the vestry. It would now, he apprehended, be too late to introduce the measure as a private bill, but it was the intention of the Government that it should be introduced as soon as possible.

Sir *B. Hall* said, that not only the goods of Lord Kenyon, but those of the other churchwarden, had been distrained.

In reply to a question from Colonel T. Wood,

Lord *J. Russell* said, that the recommendation of the Commissioners of Woods and Forests applied to the case of the churchwarden recommended by the Crown.

Subject at an end.

FACTORY CHILDREN.] Mr. *Hume* said, that the commissioners appointed to inquire into the state of the children employed in factories had not yet made their report, and he wished to know if they were soon likely to do so.

Mr. *F. Maule* replied, that the commissioners were assiduously engaged in the duty which they had undertaken to perform, and he hoped that the several reports of the sub-commissioners would speedily be given in, and would as speedily be followed by the general report.

POOR-LAW COMMISSION.] On the order of the day for the further consideration of the report on the Poor-law Amendment Bill.

Lord *Eliot* said, that the clauses he had suggested having been assented to by the noble Lord opposite, he wished to ask whether the noble Lord himself would embody them in the bill.

Lord *John Russell* said,he thought they would more appropriately form the subject of a separate bill, and in that form he should have no objection to propose them.

Mr. *Wakley* said, he desired to take this opportunity of calling the attention of the House to the dietary tables for the poor in the city of London. If he neglected to avail himself of that opportunity, one so convenient might not again present itself. They all knew that the object of the Poor-law Amendment Act was to make provision for the destitute, and to take proper care of the funds of those who contributed to the payment of the rates. These objects, it was quite clear, could not be effected without some test of destitution. The bill also professed to introduce a system of uniformity throughout the whole of England and Wales. It was well known to hon. Members that considerable inequality prevailed as to the mode of administering relief, and that the regulations of the commissioners had in some unions been considerably relaxed. Amongst the advocates of the measure it was rumoured that the bill had ceased to be unpopular; they alleged that its unpopularity was rapidly declining. In that House on Friday they had heard unqualified statements, to the effect that its unpopularity had ceased altogether. When inquiry was made as to whether or not relief had been withheld from able-bodied poor, the reply was, that no such order had been issued by the commissioners. From that and other causes it did happen that the bill was not so unpopular in the city as it was in most parts of the country, and it was therefore that they had not heard so much lately of the nature of the diet supplied to the poor. In most parts of the country it was well known that water gruel formed the chief article of diet. Now, he wished to know whether the country gentlemen would sanction one system of diet for their own unions, and quite another for the parishes in the metropolis. One thing was quite clear, that the allowances to the poor in the city of London were quite different from those which they received in other parts of England and Wales; and he should not for a moment hesitate to say, that if the House did their duty, they would have the Poor-law Commissioners at their bar to render an account of their conduct in this respect. He hoped that the hon. Member for Lambeth would turn his attention to the subject of diet. He was a warm advocate of the measure, though he hoped that Lambeth would not be affected by it. Neither that hon. Member nor any other Member of that House could shut his eyes to the fact that in many places water-gruel formed the chief article of diet. At Kensington the auditor refused the extra allowances granted by the guardians, and they were under the necessity of defraying the charge out of their own pockets. On the various grounds which, upon that and upon other occasions, he had stated, he did hope that the attention of hon. Members would be directed to this subject. It was disgraceful and disgusting that the poor agricultural labourer, after a long life of toil, should be cast into a dungeon, and placed upon worse than a gaol allowance, although his previous circumstances never had been such as to enable him to make any savings; and that the London mechanic, who frequently earned from 30*s*. to 40*s*. a-week, out of which he might have laid aside some surplus, should in his period of destitution be supplied with a diet comparatively good. In London the men received on Sundays, Tuesdays, and Thursdays, seven ounces of bread, one pint of milk porridge for breakfast, seven ounces of cooked meat, three-quarters of a pound of vegetables, and one pint of beer for dinner. Beer, as they well knew, was altogether withheld in country parishes. For supper, in London, they were allowed seven ounces of bread, one ounce and a half of cheese, and a second pint of beer. The women received five ounces of bread and a pint of tea. Such was the diet supplied in a place where there existed no order for withholding out-of-door relief. Now, in the country, the poor were all but starved. In London the women received six ounces of cooked meat, three-quarters of a pound of vegetables, one pint of beer; and for supper, five ounces of bread, one ounce and a half of cheese, and a second pint of beer. On Saturday the London paupers received fourteen ounces of suet pudding, and, as he had already stated, the adult males and females all received a pint of beer at dinner, and the same at supper. Did he state this for the purpose of making any complaint that the diet in London was too good? Quite the contrary. He thought it only just and equitable that the poor should be fed in this manner; but how was it that the poor in the country were not equally well treated? The noble Lord perhaps could not explain the matter, but the Poor-law commissioners might, and he held that they ought to be called to the bar of the House for that purpose. Then, as to cases of sickness, the practice in London was, that the patient should be allowed wine or whatever other necessaries the medical attendant might direct. How different from that was the state of things at Uxbridge, as appeared from the statement of Mr. Rayner. If the practice of the London unions were just and proper, how could the practice of the country unions be defended? Roast beef and plum pudding were given at Christmas, roast veal or roast pork at Easter and Whitsuntide, and on ordinary occasions the diet which he had already detailed. With justice done in London, would the people of the country submit to injustice out of London? The two systems could not both be right. The poor agricultural labourer had no chance in the country. While the London mechanic possessed all the advantages of superior intelligence, of trade unions and combinations, they could protect themselves, and were not exposed to the same vicissitudes as the agricultural labourer. This was a serious question, and ought not to be shirked by the House, and if by the House, it ought not to be neglected by the country. He did not charge the commissioners with dishonesty—he did not say that they were afraid to ill-treat the larger and more influential population of London, but one thing was evident that a wide difference prevailed between the dietary of London and the dietaries of the country, and he held that the causes of the difference ought to be explained. It had been stated invariably, and the noble Lord the Secretary for the Home Department had urged it continually, that the object of the law was to make labourers independent. That certainly was an excellent object; but how did the commissioners propose to carry it out in country places? They found the labourers there working at wages that barely kept them from starvation; and they said to themselves, "We must take care, in framing our regulations, that we don't incite the labourers to enter the workhouses, and they must, therefore, be made one degree, and no more, above starvation point." But how, he should like to know, would wages ever be raised if such a system as that were pursued? Suppose, for example, a working man in the country were offered 6*s*. a week wages, and were told, "If you don't take that, you must go into the workhouse, and then you will have food worth only 2*s*. 6*d*. or 3*s*. per week." Of course he would prefer taking the wages of 6*s*. per week. But offer that dietary to the poor in the workhouse, and then he would admit, with the noble Lord, that the Poor-law would raise wages, because the poor man would in such case prefer going into the workhouse to accepting low wages out of it. He trusted the noble Lord would see the utility of causing the dietary tables to which he had referred to be more generally used, and that his having read extracts from them in that House would have the effect of their being compared with the dietary taken throughout the country, and, if the discrepancies that existed between them could not be reconciled, that the Poor-law commissioners would be ordered to attend at the bar of that House to state why it was, that such dietary tables had been framed for the city of London, and totally different ones for the poor in the country. He had another dietary table in his pocket in reference to the children who were farmed at Norwood, which was equally as good as the one he had before referred to; but he would not detain the House by making any further observations respecting it.

Lord *J. Russell* would have had no objection to enter into the discussion of this subject on an occasion more fitting than the present, but he certainly did object to enter into the discussion with the hon. Member when it was his intention to postpone the bill until after Easter. The right hon. Gentleman, the Member for the University of Cambridge, had suggested, that he should put the bill in the form in which he should wish to propose it to the consideration of the House, but, on reflecting on that course, and after consulting with the Speaker, it appeared, to him that after the House had gone through certain clauses and adopted certain amendments in them, he could not now well place those clauses in any other form than that which the committee had already adopted. At the expense, therefore, of the appearance of the bill, he must leave it as it was at present gone through in the committee, with regard both to the clauses up to that point which the committee had reached, as well as the amendments in the latter part of the bill which he had considered it advisable to introduce, and of which he had given notice. The House would then go on at that part at which they had left off, and they might afterwards consider those points in which he proposed to amend the former clauses of the bill. He should, therefore, propose to adjourn the committal of the bill until the 3rd of May.

Mr. *Goulburn* said, if the course he had suggested were contrary to the forms of the House, he did not wish to urge it, but if it had been conformable to them, it might have proved of great convenience to hon. Members.

Colonel *Sibthorp* wished to know whether there was any objection to lay before the House, after the recess, the return for which he had moved so far back as the 26th of February, 1841, relative to the number of inquests of paupers for seven years preceding the passing of the New Poor-law Act, and also for the seven years during which the act had been in operation.

Mr. *F. Maule* said, that as far as he was concerned in getting that return, he had done all that lay in his power, and had informed the coroners throughout the country, that the House had addressed her Majesty requesting such information. But it was not in his power to compel such returns, and from very few of the coroners had he received any direct return at all, whilst from many others he had understood it was almost impossible to make it out. In one instance, the coroner said, that in order to make out the return, he must go through between 4,000 and 5,000 depositions. With respect to the metropolis, it would be almost impossible to furnish it, and as far as the hon. Member for Finsbury was concerned, he had received no answer at all, but the hon. Member would be able to state the reason of that for himself. As the coroners furnished the returns, they should be laid before the House, but if they could not be made out, the hon. and gallant Member might, perhaps, frame his motion in a more practicable form.

Mr. *Wakley* said, he had received a number of communications from coroners in different parts of England, in reference to this return, and they informed him that they found it next to impossible to make it out. If the hon. and gallant Member had any specific or direct object in view, probably he would prepare his motion in a different form so as to meet that object, and then probably he would ask for a return of special cases. In many offices, there were no records left from which it could be made out; so that when a coroner had lately come into office he had no means of furnishing a return of the cases taken before his predecessor.

Colonel *Sibthorp* said, under these circumstances, he would at some future day propose a motion to meet the object he had in view in a more practicable form.

House went into Committee *pro formâ.*

The amendments proposed by Lord J. Russell were agreed to.

The House resumed.—The report to be further considered on Monday, May 3.

COLONIAL DUTIES.] The House in Committee on the Act 3rd and 4th Will. 4th, cap. 59, regulating the Trade of British possessions abroad.

Act read.

Mr. *Labouchere* rose to move the following resolutions.

"1. That in lieu of the respective duties of 7*l.* 10*s.*, of 15*l.*, of 20*l.*, and of 30*l.*, on every 100*l.* of the value of certain of the articles specified in the schedule contained in an Act of the 3rd and 4th year of William 4th, to regulate the trade of the British possessions abroad, there shall be paid on goods, wares, and merchandize, not being the growth, production, or manufacture of the United Kingdom, or of any of the British possessions in America, and imported by sea or by inland carriage or navigation, a duty of 7*l.* for every 100*l.* of the value thereof, together with the amount of any duty levied at the same time upon goods, wares, and merchandize, the growth or production of the United Kingdom, or of the British possessions.

" 2. That in lieu of the several duties payable under the said act, upon the following articles, not being the growth, production, or manufacture, of the United Kingdom, or of any of the British possessions in America, imported or brought into any British possession by sea, there shall be paid the following duties, viz. :—

	£	*s.*	*d.*
Wheat flour (except into Canada) the barrel	0	2	0
Beef and pork salted (except in Canada), the cwt.	0	4	0
Wine of all sorts, whether in bottle or not, for every 100*l.* of the value in lieu of all duties now payable thereon, under the Acts 4 Geo. 3rd, c. 15, and 3 and 4 Will. 4th, c. 59	7	10	0
The bottles		Free	
Shingles (except into Canada), the 1,000 No. . . .	0	2	0
Oak staves and headings (except into Canada), the 1,000 No. .	0	7	0
Wood hoops (except into Canada) the 1,000 No. . . .	0	2	6
Pitch pine, and other lumber, one-inch thick (except into Canada), the 1,000 feet . . .	0	7	0

Now prohibited, but the prohibition whereon is to cease:—

Fish, dried or salted, the cwt. .	0	2	6
—— pickled, the barrel . ,	0	5	0

Together with the amount of any duty levied at the same time upon similar articles, the produce of, or imported from, the United Kingdom or the British possessions.

"3. That tea be permitted to be imported into British North America by inland carriage or navigation, on payment of the duty which may at that time be chargeable upon tea imported from the United Kingdom, together with 10*l.* per centum on the amount of such duty.

" 4. That rum, the produce of places within the limits of the East-India Company's charter, and imported into British North America, shall pay the same duty as rum the produce of places in the British West Indies.

"5. That so much of the said Act as permits any sort of craft, food, and victuals, except spirits and any sort of clothing and implements and materials fit and necessary for the British Fisheries in America, to be imported into the place at or from whence such fishery is carried on, duty free, shall be repealed, except so far as regards the following articles (that is to say), bread, flour, pork, beef, bacon, butter, lard, cheese, molasses, (the produce of the British possessions), potatoes, oatmeal, pot barley, Indian meal, peas, rice, salt, oak-staves, shingles, wood hoops, leather and leatherware, and all sorts of fishing craft and bait, fishermen's clothing and hosiery, which shall be delivered duty free, for the use of the fisheries.

"6. That goods, the produce or manufacture of the islands of Guernsey, Jersey, Alderney, or Sark, imported from such islands, be admitted into the British possessions in America upon the payment of the same duty as the like goods the produce or manufacture of the United Kingdom, or any of the said possessions."

The right hon. Gentleman said, that when he first proposed to the House the resolutions of which he had given notice, he entered so fully into the principles on which they were founded, and the manner in which it was proposed to carry them into effect, that he did not feel it necessary in the first instance, until he heard any objections stated against them, to make many observations respecting them. With regard to the first resolution which he was about to lay before them, he would only make a few observations on the reasons which had induced him to make some alteration in it, since he first proposed it to the House. At that time, he proposed, that the *ad valorem* duty in the West Indies and the British North American colonies, which now varied from 7½ per cent. to 15 and 20 per cent., should be reduced to two duties, namely 7½ per cent. *ad valorem,* and ten per cent. *ad valorem,* which should comprise all articles on which the former duties were now levied. But he was induced to think, in consequence of representations that had been made to him by persons connected with those colonies, that there would be a material advantage in pushing somewhat further the reduction he had originally proposed. He had, indeed, been induced to suppose, that if all those duties were repealed, and instead of them one uniform duty of 7 per cent. *ad valorem* were imposed on all foreign commodities introduced into the British North American colonies, and the West Indies, over and above the amount paid on British commodities, it would be highly advantageous to those possessions. To that alteration he had had no difficulty in acceding, so that he might place the West Indies and the British North American colonies on the same footing as that on which our East India possessions were placed. Thus at the Cape of Good Hope at that moment there was a duty of 10 per cent. on foreign commodities, and 3 per cent. on British commodities. According, also, to the scale which he now proposed, if there were a duty of 3 per cent. on British commodities, the duty on foreign commodities would immediately rise to 10 per cent.; so that in the British North American colonies and the West Indies there would be the same system which was at present established at the Cape of Good Hope, which had been found to work well, and which the merchants of this country had never complained of—namely, a differential and protective duty of 7 per cent. *ad valorem,* over and above that which was paid for foreign goods. If they turned to the duties in India, Ceylon, and Australia, and our other possessions in the East, they would find there was a differential duty with regard to British and foreign commodities lighter than that which he had already mentioned, and yet those connected with commercial interests were satisfied with that scale of duty, and never apprehended that they would be excluded from those markets under that system. But the reason that more particularly induced him to make this alteration was, that it had been strongly urged on him by persons connected with the West Indian islands, that by a reduction of these duties, great advantage would result to the transit trade of those colonies. Thus, in Trinidad, which was only a day's sail from the Spanish main, it was thought that under a duty of seven per cent. on foreign commodities there would be facilities afforded to the trade between that island and the continent of South America; and also to the trade of our British manufactures, by their being mixed up there with those of foreign production, as assorted cargoes. It was true, that in St. Thomas's the duty was much lower; but the vicinity of Trinidad to the coast of South America would in a great degree compensate for the differential duty, and it might reasonably be hoped, that much of that large trade which was now enjoyed by St. Thomas's, would be transferred to some of our own islands. On that representation being made to him, and being unable to see the slightest injury, that would be produced by it to any British interests, he had had no difficulty at all in acceding to the demand that was made on him to reduce the 10 per cent. duty to 7 per cent. He believed, that to the consumer, this alteration would make no great difference, but that to the transit trade, it would be of great advantage. As he stated before, until he heard whether any objections were made to this resolution, he did not think it necessary to trouble the House with any further observations upon it. He would, therefore, place in the hands of the Committee the following resolution. The right hon. Gentleman concluded by moving the first resolution.

Mr. *Goulburn* wished the right hon. Gentleman had reserved the present resolution for an occasion when there should be a fuller attendance of Members to discuss a subject of so much importance, and especially those Members who were most conversant with the matter to which the resolution referred. He thought it would have been better to have waited for a full discussion, than that the House should be led blindly into the adoption of so serious a change in our colonial duties. The right hon. Gentleman had stated this to be a mere isolated case, quite distinct from our general commercial legislation—a matter of mere local interest—but he (Mr. Goulburn) did not by any means agree in this view of the question. He did not deny, that as regarded the West-India colonies themselves, the change would confer on them substantial advantages, but this was not the whole view that ought to be taken of the case. If this change is made as a compensation to the West Indies for the equalisation that is made in respect of duties between them and the East Indies, he thought it an advantage which the West Indies would cheerfully accept. He thought, however, that it was very desirable, that the right hon. Gentleman should give the House some explanation of the extent to which he meant to carry out his principle. It was impossible, that they could have a satisfactory idea of this question until they knew distinctly what measures, if any, the Government intended to produce with other produce, which would be placed in competition with East and West-India produce. The question was not confined to the interests of the colonies alone, but was calculated to inflict material injury upon the interests of the mother country. He thought, that the resolution now before them was not framed in a manner calculated to give them that full information which, upon a matter of this kind, it was desirable to have placed before the House. The resolution was so general in its form, that it would leave a great portion of the community ignorant of the extent to which that resolution proposed to go. It was true, the resolution stated, that all duties were to be reduced to the proportion of 7 per cent., but it would be much better that the committee should be aware what was the variety of commodities to which this resolution was to apply, and it was in order to supply this deficiency, that he had moved, that details of this nature should be laid upon the Table of the House. They ought to look back to the articles that would be affected by this resolution, and when they saw what these articles were, they would then see whether or not the mother country would not be materially involved in the present question. It appeared, that under a duty of thirty per cent., the following articles were admitted into our colonies, namely, the leather manufactures, the linen manufactures, and the silk manufactures of foreign countries. He only stated a few of the more considerable articles, in order that the public might have some idea of the extent to which this measure would affect the commercial interests of this country. Besides those articles admitted under a duty of thirty per cent., there were other articles admitted under a duty of twenty per cent. Amongst those latter were cotton, glass, soap, refined sugar, and various other articles. There were various other articles admitted under a duty of fifteen per cent., such as hardware. Let it not be supposed that these duties were introduced at any very remote period. On the contrary, they were continued after full consideration in the bill of 1833, when Mr. Poulett Thomson was at the Board of Trade, and when it must be supposed, that they must have well considered the extent of the duties necessary to maintain and keep up the colonial principles upon which this country had heretofore acted. He thought with respect to those duties, that having received the sanction of Parliament, they required something more than the mere general statement of a principle to convince them that those alterations ought now to be made. They should recollect that they were now dealing with those principles on which this country and her colonies had always reciprocally acted. The rule hitherto had been, that in return for the protection which Great Britain afforded, she was secured the colonial market for the disposal of her home produce and the encouragement of her shipping interest. But they might be told that a duty of seven per cent. would be sufficient for that object, but if so, they had a right to be shown how, by such resolutions, that object could be accomplished. He called on the right hon. Gentleman to show him how a duty of seven per cent. would be sufficient to protect British manufactures before the right hon. Gentleman asked him, or asked the House to consent to his proposition. He thought on a question of this kind they ought to act with the utmost deliberation, and to consider well before they took a step or committed an error which they might afterwards find irretrievable. The right hon. Gentleman said, that this resolution would have the effect of introducing into the colonies a large proportion of foreign manufactures, and he thought they had a right to see whether other advantages were likely to arise to compensate for the loss that would be sustained by the manufacturing interests of this country. The amount of manufactures which went from this country to the West Indies under the present prohibitory system was very large. It appeared that in the West Indies alone the amount of our manufactures annually consumed was two millions and a half, whilst the North American colonies consumed three millions and a half. Now the greater portion of these consisted of articles which required a great amount of labour in the production of them. The estimated value of this colonial trade exceeded five millions annually, and the greater portion consisted of articles requiring a great amount of labour in their production, employing a great number of hands in this country, and giving a spur to the national industry. The colonies are under great obligations to the mother country, for we exposed ourselves to hostilities in protecting their interests as well as our own. If, therefore, the colonies were under great obligations to us, it appeared to him (Mr. Goulburn) to require great consideration before they abandoned what had heretofore been considered the counter advantages which we had derived from them in securing more extensive markets for the produce of the mother country. The object of this measure must very materially affect the interest of our home manufactures. Let the House consider what will be the effect of this measure upon our domestic industry; and with respect to our manufactures, let the House consider what must be its effect upon the shipping in which those manufactures were at present transported to the colonies. If upon this change of duties, Belgium and France were able to supply our colonies with their manufactures, and take back the colonial produce in payment, they would of course prefer to carry on this trade with their own shipping, unless it could be shown that navigation in the ships of this country was cheaper than in their own. Therefore, besides the injury that would be inflicted on our domestic industry, there would be the additional injury inflicted on the commercial marine of this country. He had hitherto addressed his observations to what was proposed by the first resolution; but as that was the only resolution before them at present, he thought that it would be more convenient to deal with all the resolutions together.

Mr. *Labouchere:* I think it would be better to discuss the resolutions separately.

Mr. *Goulburn:* They are so connected, that in any argument respecting them, it would be difficult to separate one from another.

Mr. *Labouchere* thought that there was a considerable difference between them, and that it would be better to deal with them separately.

Mr. *Goulburn* said, if he was going to oppose the adoption of the resolutions on the present occasion, he would be willing to take the view of the right hon. Gentleman, but he merely wished to discuss the principle in which they all generally agreed. The first resolution appeared to him to be one which would have a most material effect upon the industry and the shipping of the country, and it was a resolution which, if not explained, would make a very serious alteration materially affecting the interests of this country. The second resolution was an important one, considering its effects upon the trade between our North American possessions and the West Indies; and the right hon. Gentleman carried into that trade the same principles which he applied to the trade of foreign countries. It was proposed materially to reduce the duties at present payable upon articles that would be brought into competition with North American produce in the markets of the West Indies. It was well known how very likely people were to imagine that even the best considered measures of commercial change were calculated to affect their interests, and considering the present state of our North American colonies, he thought that this was not the time to alarm their fears, or give them any cause to apprehend that their interests were likely to be endangered by any act of the Imperial Parliament. He thought that they ought to take care not to alarm the apprehensions of the inhabitants of these colonies, who, seeing a change of this kind, might apprehend that a similar change would be carried into effect with respect to the timber imported from those colonies to Great Britain. He thought that they ought to avoid anything which was calculated to excite the fears of those colonists. They ought to recollect, that they had taken a moment to legislate for the commercial interests of Canada when that province had no representatives, and at a time when the representatives of that province had not been as yet called together, and when that House had no information as to what was the feeling of the people of Canada on this subject. He feared that the effect of this measure would be to injure our North American colonies, and to injure the trade at present carried on between those colonies and the West Indies. Those colonies at present divided the lumber trade, and it was obvious that this trade was so nicely balanced that the alteration which it was proposed to introduce might have the worst results—might excite alarm amongst those engaged in the lumber trade, and might for a time create substantial injury and difficulty. The third resolution was one, the policy of which he (Mr. Goulburn) did not in reality understand. So far as he could comprehend it, its object seemed to be to remove the prohibitory duty at present existing with respect to the introduction of tea into Canada by land. This was done on the ground that the present system gave great encouragement and facilities to smuggling. In the wisdom of that principle, he (Mr. Goulburn) fully agreed. He thought that where there was a large frontier easily accessible at all points, that it was the best way to put down the demoralising practice of smuggling by taking away the inducements that led to it. But the right hon. Gentleman's resolution did not mend the matter in the least, for how was smuggling to be discouraged by keeping up a large duty on the importations of tea. If a certain kind of tea was prohibited, they might detect the prohibited article after it found its way into the province, and punish the person who brought it; but if they allowed the article to be imported upon the payment of a certain duty, how were they to be able to tell whether the duty on the article was paid or not. The duty proposed to be maintained was 25 per cent. for tea imported by sea, 27½ per cent. for tea introduced by the frontier. With such a duty as this, it was quite idle to expect to prohibit the importation of the article. If this change were to be made, it ought to be effected by some measure of the Canadian Parliament, and, as was done by Mr. Pitt in 1785, when he lowered the duty on tea in England, he took care that the change of duty should not be a means of gain to the smuggler. He must beg to hesitate before he agreed to apply the same principle to the produce of China, when brought in English ships, as when imported in American ships. He could not consent to place them on the same footing. Then with respect to that part of the resolution which concerned the importation of fish, he had some fears whether it would not be injurious to our fisheries. With respect to the trade with Canada, he was willing to give the Canadas every advantage possessed by other colonies. He trusted that the right hon. Gentleman would be able to satisfy them that the reduction of those large duties would be attended by some compensating circumstances that would prevent the injury it was calculated to inflict. He was strengthened in the opinions that he entertained respecting those resolutions, by seeing that the right hon. Gentleman himself did not entertain very decided or definite opinions on the subject. The first time he introduced this subject, he proposed that the duties should be reduced to 10 per cent. He afterwards came down to the House and proposed to reduce them to 7 per cent. This uncertainty showed that the opinions of the right hon. Gentleman on the subject were not very decided; and when he (Mr. Goulburn) and others who had considered the subject objected to these reductions, he was sure the House would treat their objections with the more indulgence when they found that the Government themselves, with ample time and opportunity to give the subject consideration, were uncertain in their opinions, at one time proposing a duty of 10 per cent., and then coming forward to propose a reduction of 7 per cent. There was another point to be considered. What was the moral effect that these measures were likely to have on our North American colonies at the present moment? When they should have heard the explanation of the right hon. Gentleman, and when those returns which he had taken the liberty of moving for should be before the House, they would then be in a better situation to come to a deliberate conclusion on this important subject.

Mr. *Labouchere* had listened to the speech made by the right hon. Gentleman with very great satisfaction; because it showed that the right hon. Gentleman, with all his experience and all his knowledge, could not make a valid or good objection to the resolutions. The right hon. Gentleman was evidently not favourably inclined to a liberal commercial system, and he therefore was quite satisfied that if the right hon. Gentleman had any definite objections to the resolutions they would have been stated by him. And yet what had they heard from the right hon. Gentleman excepting those vague apprehensions which they always had to encounter whenever they attempted to carry into effect a more liberal commercial system. If the right hon. Gentleman could have stated any definite objection to the resolutions, he was perfectly able, as it was plain he was abundantly willing, to have stated it on this occasion. The right hon. Gentleman had not done so; and he must now say, in reply to the right hon. Gentleman, that in proposing these measures he had endeavoured to acquire the fullest information, and he was prepared now to say, that let any Gentleman show how the interests of this country or the colonies would suffer by the resolutions proposed, and he would do his best either to remove his apprehensions or to refute his objections. But then, when there was an absence of any allegation of any specific danger which could be defined, he asked how was he to meet allegations of such a vague nature as those stated by the right hon. Gentleman? It must strike the House that the right hon. Gentleman had altogether evaded the argument which rested upon the system which we had pursued in the eastern portion of our colonial empire. He had not even attempted to explain to the House why moderate protective duties were safe and beneficial there, but would be dangerous and inexpedient in the West Indies and British North America. The *onus probandi*, he conceived, lay upon those who insisted on retaining one system in the east and another in the west. Whatever excuse there was for preserving such a system, it could only have been acted upon as long as they were resolved upon placing the East and the West Indian colonies upon a different footing—it might have been preserved while they carefully excluded the produce of the East and admitted that of the West; but now they were acting on a more wise and just policy—now, that they were admitting the rum and the produce of the East Indies, there was no excuse for their maintaining prohibitory duties on the West Indies. He would be ashamed, if, when he had brought forward a measure favourable to the East Indian produce, he did not seek to reduce the duties which had an unfavourable effect on the agriculture of the West Indies. When he had been arguing the question with regard to the East Indian rum—the only argument that was put by the opponents to the measure, that he felt it difficult to answer, was that of the hon. Member for Essex (Mr. G. Palmer), who said, that it was most unjust to put East Indian produce on the same footing with that of the West Indies, when the latter was subject to duties from which the former was exempt. He admitted the force of the argument. He could not answer it then; but he answered it now. The argument was a good one, and he felt that he only did an act of justice when he removed these prohibitions. But then the right hon. Gentleman said, he admitted the measure was an important one, and that it was likely to be of benefit to the West Indian interests? He had no doubt but that would be the effect; for he had had the gratification only a few days before of receiving a memorial signed by all the agents of the West India colonies having local legislatures, excepting one—the agent of Tobago, who happened to be out of town; and the language held to him, with regard to this measure, was this:—

> "The undersigned agents for the West India colonies possessing legislatures consider that they would not be justified in withholding the expression of their entire concurrence in the measure embraced in the proposed resolutions of the President of the Board of Trade, 'on the trade of the British possessions abroad,' because they consider it will be highly beneficial to the colonial interests entrusted to them. Such a measure has for many years been urgently solicited, and had it been granted would have afforded very great relief. In the former state and relations of colonial society, it would have been a boon from which the planters would have derived the principal advantage. But now, when the whole population will participate in that advantage, there are considerations of sound policy, no less than of moral right, which induce the undersigned on behalf of their constituencies, to regard this measure of relief as losing none of its importance. They beg, therefore, to express their acknowledgments to her Majesty's Government for having brought it forward."

Was it, he asked, doing nothing to conciliate these important interests. He believed that as a commercial measure it would be found beneficial and advantageous; but he also believed that the House would take a very narrow view of this matter if they merely looked upon it as a commercial measure. He was satisfied it was a great colonial measure. He was glad to believe that the British colonies would be contented with it, and, as far as the British manufacturers were concerned, he believed that they would be satisfied with a moderate protection. These resolutions had now been published for a long time, and he said it with pleasure, that he had not heard from any one of the British manufacturers any representation by which there was demanded a protection beyond that proposed to them. It was a pleasure to him to state this; for it inclined him to believe that the manufacturers were beginning to see that their real interests did not depend upon an enormous protecting duty. They only required fair play, and they were sure that by their innate energy they might defy rivalry, and gain a fair share in the markets of the world. The right hon. Gentleman had talked of the cotton manufacture. Was it possible that the right hon. Gentleman meant to state that their cotton manufacturers had any fear as to their forcing their goods, wherever they could meet their rivals upon fair and equal terms, or that they could have any fears when they had a protecting duty of seven per cent. How was it that the right hon. Gentleman came to elude the question as to the manufacturers being satisfied with that duty which opened to them the markets in the colonies composing their eastern empire, and yet have apprehensions for the west? That which was good for the east must be good for the west. He could not see how that which was advantageous in one place must be ruinous in another. But then the right hon. Gentleman had stated, that this was not merely a question as of manufactures, but it was also very important as regarded shipping and navigation. He admitted that it was so—that these resolutions must have much to do both as regarded shipping and navigation; and these were points which he trusted the House would look to very carefully. He had considered the question with respect to the navigation of the country; and if any Gentleman could state that these resolutions would be injurious to navigation, he trusted that he should be able to adduce reasons to show they could not have that effect. He had looked carefully to the effect they would produce upon navigation, and he was prepared to state that he was perfectly convinced that their only effect upon our navigation must be beneficial, and could not by any possibility be injurious. He had looked long and sedulously to all the considerations that were bound up with this part of the subject. He should mention only one point to show that their ships could not lose the colonial trade. Their trade with the West Indies was almost a coasting trade. Now, he need not remind the House that foreign ships going to one of their free ports must discharge their cargo at that port—not a part of the cargo, but the whole of the cargo. That was a circumstance which threw such an impediment in the way of ships carrying manufactured goods, that it was sufficient in itself to retain the advantage now possessed by British ships. British ships would go to one island, there discharge part of their cargo, then to another, discharge another portion of the cargo there also, and then to a third; so that it was impossible that any other nation could deprive them of the coasting trade with their colonies. The right hon. Gentleman had, in a manner that was rather inconvenient mixed up at the same time the discussion upon all the resolutions; but as the right hon. Gentleman had chosen to do so, he would now make a few observations upon the points to which he had adverted. The right hon. Gentleman had said that he apprehended very injurious consequences to British North America, from the alteration in the duties proposed in the second resolution. He was one of those who must regret, if at any time they were to make alterations in their commercial system which would have an injurious effect upon colonies, that had the best right to a favourable consideration from that House; but then he was satisfied that the alteration that he proposed would have no such effect. There were some of the articles in the lumber trade which were best produced in the United States, and others in which British America had such an advantage, that she now sent them in large quantities to the States. It was true that the circuitous trade by which some kinds of wood goods were now obliged to round by New Brunswick or Nova Scotia, before they were brought to the West Indies might be checked; but he could not look upon this as a species of commerce which it was fair upon the West Indians to encourage by excessive duties. With respect to the tea duties in Canada, it was very difficult without a great deal of local knowledge, to ascertain exactly the amount of duty which would be most proper, and be most likely to promote the public revenue. Upon this point he (Mr. Labouchere), however, had referred to Lord Sydenham, who said, that he thought that the amount he now proposed would be in every respect a most satisfactory duty, would entirely do away with the smuggling which went on at present, and would probably lead to a receipt treble in amount to that received at present. With respect to the right hon. Gentleman's observations on the fourth resolution, that relating to the duty on rum, he (Mr. Labouchere) must say, that he thought these observations came rather ungraciously from the right hon. Gentleman, inasmuch as it was really at his suggestion that he had given his attention to the matter. As soon as the right hon. Gentleman drew his attention to the fact, he felt the injustice of the existence of an unequal duty on rums coming to Upper Canada, and he resolved to take the earliest opportunity of doing away with such a ground of complaint. The right hon. Gentleman had spoken also with regard to the fisheries. The evil now complained of in this quarter arose out of the exemptions which the British fisheries enjoyed from all duties upon articles required for their own use. This principle, which in itself he thought a very proper one, led to so extensive a system of smuggling, that he was told that in Nova Scotia the whole of the provincial customs had been absorbed by it. It became, therefore, absolutely necessary that some remedy should be applied to so crying an abuse. But the right hon. Gentleman said, that the measure now proposed would open the door so wide, that all the evils would exist to the same extent as before. He did not think it would be found so. The article upon which the greatest smuggling took place was sugar, and sugar was not to be included. True, molasses was included, but he believed, that it was possible, by providing sufficient restrictions, to prevent any fraud on that article. The whole of the object which he (Mr. Labouchere) had in view in framing this measure was, to allow the fisheries to have all the articles required for their own use free from duty, and, at the same time, to take care that through that indulgence frauds were not committed upon the colonial revenue. He did not know whether he need trouble the committee with any further observations at present. The right hon. Gentleman had twitted him for having made certain alterations in his project since he first brought it forward. When he (Mr. Labouchere) took up subjects of this kind, he endeavoured to frame the duties he should propose in the best manner he could, and upon the best information he could obtain. The House was aware, however, that he could not consult the trade, and that he was prevented by the line of his duty from allowing to be made public the duties he projected until he had laid them before the House; and when this circumstance was considered, it would be acknowledged that it was almost impossible he should altogether avoid error in some point or other of his calculations. No false shame, however, and no ambition to keep up a show of consistency, should ever prevent him from remedying any such errors whenever he found them out. His object in altering these duties was to make their application as favourable to the interests of the colonies themselves as to the mother country, and he believed that this object he should go far to attain in the present instance. Of course, it could not be expected that any measure on such a subject could be framed so as to give satisfaction to all parties; but he believed, that this measure had received a larger and more general share of approbation from the various commercial interests of the country than any measure of the kind within his recollection. Nothing could be more gratifying than the liberal and temperate tone in which the various manufacturing interests had expressed themselves on this subject. He was glad to find, that the parties engaged in these great interests now began to perceive that enormous prohibitory duties were not advantageous even to them; and that their interests must be promoted by all that promoted the general welfare of the community at large. The gentlemen connected with the fisheries had also expressed their approbation of this measure in the most gratifying manner. It was true, on the other hand, that it had met with some opposition from a few quarters; for instance, from parties engaged in the provision trade in the south of Ireland. But after considering to the best of his ability all the objections which had been made to him on the subject, he was bound to say that he did not think that any sufficient ground had been made out for a higher system of duties on provisions than those which he now proposed. With regard to the sugar duties, to which the right hon. Gentleman had also referred, that was certainly a most important subject but it was not one which he felt himself called upon to enter upon on the present occasion. He was not, however, fond of making matters of this kind a subject for barter between one party and another. In considering colonial questions, such as those which were now before the House, he was desirous of doing so in a large and liberal spirit; and when the House came to legislate upon the various other matters to which the right hon. Gentleman referred, he was satisfied that they would consider them with a due regard to the many important considerations which they involved.

Mr. *Colquhoun* quite concurred in most of the principles stated by the right hon. Gentleman who had just sat down. His objection, however, to the right hon. Gentleman's measure was this, that he thought his performance did not equal his promises. When the right hon. Gentleman said, that this measure would place the East and the West Indies upon the same footing, the right hon. Gentleman stated that which he thought was not the fact. He would beg to direct the attention of the committee to a few of the leading articles in the right hon. Gentleman's resolution which affected the West-India colonies. The right hon. Gentleman had said on a former night, that one of the most important articles of consumption in the colonies, particularly for the negro population, was fish, and yet upon this article he found a duty proposed of 25 per cent. Then upon beef and pork there was to be a duty of 15 per cent., and upon flour of 10 per cent. Now he could not imagine what local advantage any one of the colonies could derive from any one of these duties. The Canadas would certainly not be benefitted by the duty of 10 per cent. on flour, whilst the West Indies would be severely prejudiced by it. Then there were the articles of white and yellow pine and of shingles, most extensively used in building in the West-India islands, which were to be charged with a duty of 15 per cent. These articles came from America; and, he would ask, what part of Great Britain, or what interest in it, could be in the least benefitted by such a duty? Soap and candles, also, were to be charged with a duty of 7 per cent. Now, to show the disparity between the duties proposed to be levied upon the same articles in the East and West Indies respectively, woollen manufactures were to be charged with a duty of 2 per cent. in the East Indies, and of 7 per cent in the West Indies. Cotton manufactures 3½ per cent in the East Indies, and 7 per cent in the West Indies. Articles in linen, silk, glass, and leather, were to be admitted in the East Indies without any discriminating duty whatever, whilst in the West Indies they were to be charged with a duty of 7 per cent. And yet they were told that this measure would place the East and West Indies on an equal footing—would open for the first time the pure principles of free trade, as the hon. Member for Wigan had said the other night, an assertion which he maintained to be utterly inapplicable and incorrect. He admitted that some advantages would be conferred upon the West Indies by this measure, but they would still be burdened most severely by the duties which were left. These duties might be necessary for the protection of the various shipping and commercial interests of the country, but whilst they existed it could not be said with correctness that an equalization had been effected between the customs of the East and West Indies. He fully admitted, that this measure was a very useful one as far as it went, but it only diminished burdens which, as long as they existed, would give the West Indies a good right to call the attention of the House to their interests and claims.

Mr. *Hume* subscribed to almost every sentiment which had fallen from the hon. Gentleman who had just sat down, and was particularly pleased with his speech, coming as it did so soon after one of a very different character, from a right hon. Gentleman who had recently spoken from the opposition benches. At a time when the commercial energies of the country required more perhaps than in any previous period to be encouraged and called forth, he thought that the whole community of the kingdom had cause to be greatly obliged to the right hon. the President of the Board of Trade for the measure which he now proposed. He must say, also, that he was surprised at the doubts and objections which had been made by the right hon. Member opposite, to this proposal, recollecting, as he did, that that right hon. Gentleman had been a colleague in office with that great statesman, Mr. Huskisson, whose views this measure did but go to carry out. The right hon. Gentleman having been a colleague with Mr. Huskisson when, at different times, he propounded his views on subjects of this kind, could not oppose those various measures as they were brought forward, but he (Mr. Hume) must say, that to him, it was surprising to hear the right hon. Gentleman uttering fears and alarms, and calling upon the President of the Board of Trade to give instances and proofs that the alterations he proposed would not be attended with evil results, when he recollected that all these projects, all these views, had been fully laid down and explained by Mr. Huskisson at various times, between the years 1815 and 1825. At that time Mr. Huskisson was met in all his financial projects with objections and opposition from various manufacturing and commercial bodies, who represented that they should be ruined if his proposed alterations were carried into effect. Mr. Huskisson did himself great credit by the firm manner in which he resisted the futile objections which were then made to him; and in treating the subject now, the House had this great advantage over Mr. Huskisson, that the latter could only speak of what he expected would be the case, whilst they had now the results of experience to go by, and confirm them in their views. The right hon. Gentleman opposite had spoken about the colonial principle, but he would ask, what was that principle but the keeping up of a monopoly in favour of the colonies, which, in operation, were equally disadvantageous to the mother country, and to themselves. He quite agreed with the hon. Gentleman who had last spoken, that these resolutions did not go far enough in abolishing that pernicious system, but he hailed them as a step towards this great and desirable object. He would ask, for instance, of the right hon. the President of the Board of Trade, was it right to maintain the duty upon linen or upon calicoes? If they meant to deal with the West Indies upon equal terms with the East, let them abolish the customs department in the West Indies altogether, and leave the colonies to look to their own revenues. The time was coming when all prohibitive and protective duties should be done away with, and the customs looked to only as a means of revenue. It happened, however, that as a matter of revenue, our colonial customs were not only wholly unproductive, but, to a certain extent, a charge to the mother country. The total amount of customs levied in the colonies was 555,000*l.*, and not only did no part of this sum find its way into the treasury of this country, but about 14,000*l.* further was obliged to be contributed towards maintaining the necessary establishments. The abolition of those establishments would interfere certainly with the patronage of the Government; but, he believed, with nothing else, and he thought that the day was gone by when the government of this country required to stand by means of patronage, or ought to be allowed so to stand. He hoped, therefore, that they would no longer keep up any system of imposts for such a purpose. Let the President of the Board of Trade, and the committee, look to the results even of the partial commercial relaxations which had been made during the last fifteen years; in no quarter of the world were these results more striking and gratifying than in the East-Indies. In many instances of fiscal relaxation, an increase had taken place in the total value of the exports of the country. In 1814, the exports amounted to 1,874,000*l.*; in the twelve years which followed the partial relaxation which took place at that period, they amounted to 3,495,000*l.*; and in the later period, ending with the year 1839, the average amount had been 5,600,000*l.*; being an increase of four to one, and clearly showing that as commercial restrictions were taken off, the commercial resources of the country were promoted in an equal proportion. He recollected very well, that upon each change being proposed during the period to which he referred, the cry had always been, take care that our shipping trade be not ruined; and in 1815 it was confidently predicted, that if these views were persevered in, America would swallow up all our shipping, and wrest from us our naval supremacy. Now what had been the fact? Whereas our shipping trade inwards was 1,379,000 tons at that period, last year it was 3,101,000 tons. He must also beg to state the results of the relaxation in the silk duties, to which he had been happy to say, he was partly instrumental. In 1824, the duty on raw silk had been reduced from 5*s.* 6*d.* to 1*d.* a pound, and on thrown and fine silk from 14*s.* to 1*s.* 6*d.* and 3*s.* 6*d.* And what had been the consequence of these alterations? The average consumption of raw silk during the ten years ending 1824 had been 1,940,000lbs.; whilst under the partial free system established in the latter year, though the trade was still greatly fettered, the average consumption of raw silk in the twelve years ending 1836 had been 4,169,000lbs.; in the year 1839 it had been upwards of 5,000,000lbs. It would be curious to read the petitions which were presented between the year 1814 and 1824 against these relaxations, and to compare their predictions of ruin with the happy results which had actually taken place, and the perusal of these petitions, coupled with their reflections, would form the best reply to the warnings which were now held out against the still further relaxations now proposed by her Majesty's Government. He should mention also, that the export of manufactured silk during the last year had amounted in value to 868,000*l.*, of which 66,000*l.* had been sent to France, a country which it was supposed would never have had occasion to import that article from us. No article exhibited a better proof of the benefit of a relaxation of duty than linen. Mr. Huskisson reduced the duty on that article to a low amount, and the consequence was, that the trade had greatly increased. In his opinion all duties ought to be removed, except the duties necessary for revenue; there should be no protecting duties at all. He thanked the Government for what they had already done, but he trusted they would not stop there. He counselled the noble Lord, the Secretary for the Colonies, who he must say had taken a most enlightened view of this question, to allow the colonies to regulate their own affairs, and to free themselves from those shackles that checked industry and impeded prosperity. He would not trouble the House upon the general question, and he would only again express his hope that this would not be the last step which the Government should feel bound to take to free the commerce and industry of the country. He trusted the House would allow him to make a few observations on a subject, which, although personal to himself, were still connected with the question before the House. He, as Chairman of the committee of last Session, had been assailed in the other House by a noble Lord (Lord Ashburton) formerly a Member of that House, and then Mr. Alexander Baring. That noble Lord had thought proper to challenge the proceedings of a committee of this House. For many years he had had the satisfaction of acting with that noble Lord, who was one of the most able and ardent of the advocates of free trade in that House. He recollected when that noble Lord presented the celebrated petition from the city of London. That petition asked neither more nor less than was now asked, or than was the tendency of the evidence taken before the committee of last Session. That committee recommended no more than Lord Ashburton himself moved for. He was sorry the noble Lord had altered his opinions; but his own, he could say, were unchanged. With the noble Lord's change of opinion, however, he did not find fault with that noble Lord for bringing forward serious charges against a committee of that House which had no foundation. He was sorry that that noble Lord had been induced, without due information, to have brought charges against a committee of that House. The noble Lord had stated, that that committee had been unfairly chosen. Now, so far from that being the case, seven Gentlemen were taken from the opposition side of the House, who were known to be opposed to the free trade principle, and seven from the other side of the House; and he having been Chairman, and having a strong bias on the question, of course there was a a majority of one. He had consulted with the hon. Baronet, the Member for Stamford (Sir G. Clerk), as to the selection of the committee, and he thought, under these circumstances, to charge the committee with having been unfairly constituted was most improper. It was also stated, that evidence against the free trade principle had been tendered and refused. He had been absent from the Chair but one day, and he must say, that, to his knowledge, no evidence had ever been tendered and refused. He should like to know the name of any individual that had tendered evidence that was refused. It was very unfair to say, that the committee had refused evidence. The committee was also charged with abstaining from asking questions, the answers to which might have proved unfavourable to the principle of free trade. Why, they had the attendance of Gentlemen from the opposite Benches. who might have asked any questions they pleased. The noble Lord had been very much misinformed and misled; but, as the noble Lord had allowed himself to be so misled, he felt it necessary to give his charges a contradiction—a contradiction which he had requested another noble Lord to repeat elsewhere. He would only add, that the noble Lord who brought the charges was mistaken, and that his statement was not in any way borne out by the facts.

Mr. *Herries* was not aware of what had been uttered by the noble Lord to whom the hon. Member for Kilkenny had referred, but he begged to take that opportunity to address a few observations to the committee upon the subject of the committee of last Session. That committee had to report upon a subject of vast importance, embracing questions of the deepest interest to the commercial welfare of the country, and it was of the utmost importance that that report should not be brought to a conclusion in a very imperfect and unsatisfactory manner. He did not mean to throw any blame upon the committee, and he only made this observation as a matter of regret. He felt and admitted the actual necessity of carrying much farther the inquiry whether there should or should not be a continuance of the system of protecting duties. He begged to remind the House that Mr. Huskisson endeavoured, by the effect of his legislation, to adjust, not to abrogate protecting duties. Mr. Huskisson endeavoured to find the point at which protecting duties were indespensably necessary, and he proposed to dispense with every shackle upon commerce that was not necessary. That, he apprehended, was the real principle on which Mr. Huskisson acted. He begged to remind the House of the object for which the inquiry into the import duties was undertaken. When the motion was made for a committee, a noble Friend of his suggested the necessity of some explanation as to the nature of the proposed inquiry, and the answer given by the right hon. Gentleman opposite (Mr. Labouchere) was, that he was not responsible for the committee, as it had been appointed upon the motion of an individual Member of the House, but that he believed the object of the inquiry would be to ascertain the character of existing duties. At the same time the hon. Member who moved for the committee, (Mr. Hume), in explanation, stated that the object of the committee was to classify existing duties, and to exhibit to the House and the country the state of duties chiefly as compared with other countries. His noble Friend considered the explanation perfectly satisfactory, and it was under this impression that the committee was formed. The committee, however, had gone into a different course of inquiry; and here he must say, that as far as the labours of the committee had gone, he did not throw out any objection. On the contrary, he thought all the information collected was exceedingly good. Some of the evidence was exceedingly valuable. To some of it, which he had read attentively, he gave his entire assent; from some other portions of it he strongly dissented; and with respect to some of it he entertained doubts; but as far as the labours of the committee went, he was satisfied that they had been productive of a great deal of service to the public. There was one point to which he wished to address a few remarks. It should be recollected that this subject was of immense importance, and involved a complete revolution in the commercial business of the country. Looking at the character of the question, to the circumstances connected with it, and to the short time given for its consideration; looking also to the fact, that the evidence, at present given, was, what might be considered *ex parte*, he asked, would any Gentleman on either side of the House, let him even subscribe to all the opinions expressed by the committee, think it a matter to be endured, that any step should be taken upon a subject of such immense importance, without hearing all parties? Any person who read the evidence would see that it was of the greatest importance that all who might be injured in any interest connected with any change should have ample opportunity of being heard before any practical measures were adopted. He entertained a strong expectation that before this the right hon. President of the Board of Trade would have proposed the appointment of a committee to continue the labours of the committee of last Session, especially as it was alleged by the committee, and, indeed, was manifest, that they had not had sufficient time to explore the whole subject. The committee having gone so far, and having awakened the public attention, and looking to the very great activity with which those who took a part upon this question, and whose opinions were supported by the evidence taken before the committee, had circulated the report of the committee in order to produce an impression on the public mind, he was in hopes, and he thought it but right, that before this time, the right hon. Gentleman would have appointed another committee; whether composed of the same Members as the committee of last year, or whether composed differently, and of a more enlarged character, so as to consist of Gentlemen of opposite opinions, and of greater experience in that branch of public affairs to which the inquiry related, he was, at all events, in hopes that there would have been further inquiry, and he still hoped that her Majesty's Ministers would not propose to institute any measures upon a report of this description without further inquiry. Such inquiry was just, in every point of view, before they adopted any step founded on the report of the committee. For his own part he felt bound to express the great satisfaction he felt upon every occasion when any measure proposed and carried into effect upon the legislation promoted by Mr. Huskisson produced the benefits which had been anticipated. He himself, as far as his humble endeavours went, had always acted with Mr. Huskisson in the promotion of the principles which that statesman entertained on this subject. He had never, on the subject of the principles of free trade, had any difference of opinion from that right hon. Gentleman, and he could say, as all those who had acted with him could say, those who had been spoken of as illiberal, while Mr. Huskisson had been praised as liberal—he could say for his right hon. Friend, the Member for Tamworth, as well as for every other colleague of Mr. Huskisson, that they had given a most cordial concurrence in all those measures which Mr. Huskisson, in concurrence with them, had proposed. It was not fair, therefore, to draw the distinctions that were so often heard. Mr. Huskisson never was an indiscriminate promoter of free trade, and it was equally unjust to suppose that those who acted with him were not as liberal as he was in the view which he took in adapting our commercial system at the close of the war, and in a new state of things, to that of other countries, and in relieving our commerce from all those shackles that could possibly be dispensed with. He was glad to hear his right hon. Friend behind him (Mr. Goulburn) support the same principles as Mr. Huskisson—namely, the principle of preserving those duties which were requisite for protection, and he was also glad to hear the right hon. President of the Board of Trade, in the whole of his discourse, propound the principle of protection. If that, then, were the case, the only object on both sides of the House must be to discover the point at which protection ought to be maintained. There was no individual on either side desirous to keep a rate of duty in any case, for the sake of protection, beyond what was indispensably necessary; and the object of all parties was to reduce protection to the lowest point. If the right hon. Gentleman proceeded upon that principle, and he trusted he would, he might be assured of receiving as hearty support from that (the Opposition) side of the House, as from the other; as nothing could be more in conformity with those who trod in the steps of Mr. Huskisson. With respect to the duties which were the subject of the resolutions, as there would be a further opportunity for discussion, he would not waste the time of the House by entering into details. He was not prepared to offer any objection, but he reserved to himself the power of dealing with the subject when the bill was before the House. There was one point, however, to which he wished to advert, for it concerned a large body of persons who would be aggrieved by the resolutions as they at present stood. The resolution he alluded to was that which referred to the duty on tea conveyed by land between the United States and Canada. It was true, that as long as a duty of 25 per cent. was imposed by the Colonial Legislature, and there was no duty in the United States, it was obvious that smuggling would be carried on; but he thought this smuggling would increase if they put on a duty of 27½ per cent. instead of the prohibition that now existed. It was difficult with such an extent of frontier to guard against the introduction of smuggled tea, and it was certain that nobody would pay 27½ per cent. if it could be avoided, so that the one duty would be as much a prohibition as the other. He thought, moreover, that there would be greater temptation and facility for smuggling against a duty than against a positive prohibition. The only remedy was a reduction of the duty, and he therefore believed the contrivance of the right hon. Gentleman, however laudable, would be found ineffective. He would recommend him to re-consider this part of the subject.

Lord *John Russell* wished to address a few observations to the House after the right hon. Gentleman who had just sat down; because, interesting as this conversation, rather than a debate, had been, there was no speech from which he had derived greater satisfaction than that of the right hon. Gentleman. He agreed with him in his description of the general policy of Mr. Huskisson, although, perhaps, there was something to be added to that description. He was pleased, however, to hear, that in that policy, which had been so justly praised, the colleagues of Mr. Huskisson had cordially concurred; that Lord Liverpool, who was at the head of the Government, had fully approved of it; and that the right hon. Baronet the Member for Tamworth, not then in his place, had warmly participated in it, and in all those plans and measures which had been brought forward by Mr. Huskisson. It was well known, too, that Mr. Canning, the friend and associate of Mr. Huskisson, eagerly supported the principles involved in those measures. The right hon. Gentleman opposite had himself declared his adherence to them; and he rejoiced to hear from testimony so valuable and undeniable that such principles were likewise to be found amongst the most enlightened of the party to which the right hon. Gentleman belonged; because the last thing he should think of would be that of arrogating to any party, on either side of the House, the merit of the principle they were prepared to adopt upon the present occasion—principles which he should be glad to see concurred in by the House generally, and being both sound and useful, carried into effect by the largest possible majority. And if the right hon. Gentleman had succeeded in showing that the whole merit of those principles belonged to former Ministers, that Mr. Huskisson and his colleagues were the authors of them, and that her Majesty's present Ministers were but the humble imitators of those men, and the humble followers of their schemes—so that those schemes were successful—so that the trade of the country was improved—so that the industry and consumption of the country were promoted—so that her revenues were increased—and so that her prosperity and general standing in the world were heightened—so that these consequences followed, he would willingly allow all the merit and all the credit to be given to the right hon. Gentlemen opposite, provided they would but let him and his colleagues have the satisfaction of thinking that they had in some degree aided in carrying those schemes and principles into effect. The right hon. Gentleman who began this debate (Mr. Goulburn) had, he thought, spoken in rather a different tone, and not intending as he certainly did not, to follow that right hon. Gentleman through those details which had been answered by his right hon. Friend near him he thought that the real sum and substance of the right hon. Gentleman's speech was this, that the resolutions would confer considerable advantage on the colonies, that it was quite true, that if they were adopted the people in the colonies would be able to consume articles which they now bought dear at a cheap rate; that instead of getting bad articles, they would get good; that where they now got good articles, they would get better; and that although undeniable advantage would be gained from these resolutions, yet, said the right hon. Gentleman, if you give such an exemption to the colonies, who can say what will follow? The right hon. Gentleman seemed to be afraid that the people of this country might like to have articles cheap and good—that they were setting an example that was catching, not that it was injurious or ruinous, but, on the contrary, that other benefits, other advantages, other obligations of industry might follow from this example. He really could conclude no otherwise from the right hon. Gentleman's speech. But, supposing he had misinterpreted that speech, then the right hon. Gentleman must intend to say, that the resolutions proposed would confer advantages on the colonies; that they proposed to do what he did not deny would be a benefit; but that if something else was proposed which might be disadvantageous, and against which there were sound objections, the present resolutions would be making a precedent for it. The right hon. Gentleman did not say, that the present resolutions would be injurious, on the contrary, he said they would be useful: and, surely, if they were to propose what would be not only useless, but might be perilous and ruinous, they would have no ground on which they could succeed, and the right hon. Gentleman would succeed in defeating any such proposition. The principle on which the right hon. Gentleman seemed to proceed was this, that you must give advantages to the British manufactures against the colonies. The colonies must take their silk and leather, &c.; then the people of the colonies say we feel ourselves aggrieved by this restriction, and to satisfy them you say they shall have advantages against "the farmer and labourer of the United Kingdom;" then they complain, and you, to satisfy them, give them advantages against the manufacturer, and so you go on in this vicious circle of constantly endeavouring to do something for the advantage of a particular class instead of looking to the benefit of the whole community. He perfectly agreed with the right hon. Gentleman who spoke last in the definition he gave of the policy of Mr. Huskisson, that tt was not a policy of complete and free trade, but a policy of protection. He proposed certainly a certain protection to the manufacturing and other interests of the country, but not such as was immoderate and set all competition at defiance. He did not propose a protection amounting to a prohibition, and say that however bad an article might be, no other should be consumed, on the contrary, he said, "Do away with prohibition, give that protection by which you will make your own manufactures compete with foreign manufactures; and endeavour to make as good an article, if not a better." The right hon. Gentleman said, he conceived the general principle of the policy of Mr. Huskisson to have been protection. He thought it sound at the time, and certainly it had been corroborated by experience; for he found, with regard to Mr. Huskisson's policy, that it had been acted upon by another great authority, a Tory authority; he found that in 1786, Mr. Pitt tried an experiment with regard to cloth and crockery, similar to that tried by Mr. Huskisson with regard to silk and gloves, and it was admitted that with a moderate, instead of a prohibitory duty, they not only obliged the manufacturers to produce a far better article than before, but that it had promoted the increase of that very manufacture the ruin of which was confidently anticipated. The right hon. Gentleman spoke of introducing foreign articles, giving protection to the home manufacturer, at the lowest rate required. If the right hon. Gentleman would adhere to this principle so stated—namely, to the principle of the lowest rate of protection really required, he did not think the right hon. Gentleman would find much difference of opinion between himself and the Members of the Government. He thought the principle a sound one. He considered it needless to enter, even if there was a larger house and a more formal debate, into the genera principles upon which the question of duties in a country entirely free, or at least not in the situation of this country, ought to be regulated. It was enough to say, that in the present state of this country it was necessary that protection should be granted, but that that protection should be very carefully considered. It should be moderate where they had one class with superior advantages as against other classes. They could not say to one class of manufacturers "you have less ingenuity, you require greater protection, and the article you produce shall therefore be very dear," and to another great interest such as the cotton manufacturers, "you produce an excellent article, you require very little protection, and therefore we will frame a system which shall give you no advantage whatever." The right hon. Gentleman (Mr. Herries) had spoken of the incomplete evidence which had been taken before the committee which sat last year, and proposed that another committee should be appointed for the investigation of this subject. It was not his province, but that of the proposer of that committee, to vindicate its proceedings; but when the right hon. Gentleman said it ought to have examined witnesses of more experience, he ought not to forget that there had been a gentleman before that committee—Mr. J. D. Hume—who was long engaged in that department of public affairs, and very much in the confidence of Mr. Huskisson in many of the changes he made. That Gentleman's opinion might be sound or unsound; but with regard to experience in that department of the public service, he thought they might go further without faring much better in that respect. It might be, that the opinions of that committee did not coincide with those of many Gentlemen in that House; but it could not be denied, that the evidence given before the Import Committee afforded very valuable information, which had been in part forgotten, and part of which consisted of new facts; and very great credit was, in his opinion, due to those who had taken the pains to bring that evidence before the country. When any measures, however, were brought forward by the Government on this subject, they must be based, not only on such evidence, but they must be based according to the views of Mr. Huskisson, and of every minister who had presided over that department—

first, on a sound consideration of the general principles affecting this country; next, on the position of the country as regarded all its colonies and foreign relations; and, lastly, from a knowledge of the various interests in the country which might be affected by any measures which might be brought forward. These were the topics with which a minister was bound to deal; these were the topics which a minister was bound to consider. He should think any ministers were acting a very unsatisfactory—he had almost said, a mean part, if they brought forward a measure, and declared they had nothing else to say for it, but that it proceeded from the evidence of the Import Committee. He thought if the evidence before that committee were unfounded; if the witnesses came to false conclusions, they were not bound to pay attention to them; but with regard to the facts testified before that committee, they were bound to sift them, and not only to give them that consideration which was their due, but to weigh them in relation to the general opinion of enlightened men throughout the country, who are particularly conversant with this important subject. They did endeavour to take into consideration all those important topics; they did endeavour to form the conclusion which struck them as best, on each particular subject which had been brought before them, either by his right hon. Friend (Mr. Labouchere) or by any other Member of the Government, or by any body which thought fit to lay its views before them; and they did endeavour to consider them, with a view of proposing such measures as seemed to be most useful for the country. On all those subjects, continued the noble Lord, be our opinions right or wrong, there is a general agreement in the Cabinet: on all these subjects the Cabinet is prepared to act unanimously, whenever they think right to do so, with a view to the advantage of all the interests to which they refer. It will not shrink from any responsibility that may belong to it. Whether the measures we bring forward are useful measures for the country, it will be for this House, the other House of Parliament, and the country in general to consider; but this, at least, I may say, that we are not insensible to the immense importance of this subject, and that in bringing forward this question now, we are bringing forward that which is *ex concessu*, an undeniable good: that we will endeavour, in every measure we submit, to take that which is supported by the greatest weight of argument, and confirmed by the longest experience; and if we are not mistaken in our views, we think that, by carrying on a policy of this kind, with due deliberation and at proper times, we shall render this country very great benefit, and that, if we fail, we shall have the consolation, at least, of thinking that our plans were taken with an honest intention of promoting the commerce, the industry, and the fortunes of this mighty empire.

Mr. *Herries* was anxious to correct a misapprehension into which the noble Lord had fallen, in conceiving that he had complained of the witnesses before the committee, having only an imperfect knowledge of the subjects to which their evidence related. Nothing of that sort fell from him. As to the individual to whom the noble Lord alluded, no one more highly appreciated his merits than himself. While in office, he had the good fortune to have a long and constant acquaintance with that Gentleman, and he would be the last to speak disparagingly either of his opinions or general intelligence. What he had said was, that he hoped before any measure was taken the subject would be more fully investigated before a committee, comprising amongst its members a large proportion of persons who had been connected with the administration of the affairs of trade. He thought the noble Lord was not likely to dispute that proposition. He also much regretted that the inquiries of the committee had been of so partial and limited a nature; for, although he might concur with all the witnesses examined, fairness required that those on the other side of the question should have had an equal opportunity of placing their opinions upon record. This was the more necessary, because however accidentally it might have happened, the fact was, an opinion very generally prevailed, and the examination of the late Secretary to the Board of Trade, to a great extent, countenanced the supposition, that the inquiry was promoted and superintended by Ministers, and that the opinions recorded on the evidence, uncontradicted by any antagonist statements, were those of the present Government. He would give a single instance of the mischievous effects of this mode of procedure. Mr. M'Gregor produced a paper before the committee, in which he stated what the existing duties were, and how he could procure by a great reduction, an additional annual revenue of 6,000,000*l.*—a mine of wealth which no doubt Ministers, in the present exigencies of the Treasury, would be most happy to explore. In that paper, which appeared in the appendix, the existing duties were set forth in a very partial and apparently most invidious manner. Opposite to "wheat," for instance, he found this entry:—"Prohibited, except at a nearly famine rate." Such was not Mr. Huskisson's system of corn duties; such was not the law; such was not the fact. This might appear to be a trifling circumstance, but it had its effect, and it gave an impression which certainly was by no means favourable to the general character of the report.

Mr. *Labouchere*: The right hon. Gentleman (Mr. Herries) had asked why he had not re-appointed the committee on exports this Session. He had, since he filled his present office, never moved for a committee to investigate a subject of this nature, and never opposed such a motion when made by any hon. Gentleman. He thought that committee had adduced extremely valuable information, but that a Minister ought not to shelter himself behind any committee, but to act as he thought best. If the hon. Member for Kilkenny should think proper to continue this committee this year, he should not resist the motion; but he should altogether oppose its re-appointment being made the pretext for interminable delay in legislation. He would never allow, that there was not ample information before the House and the country on all the great interests of our commercial policy, and if the right hon. Gentleman threw out the suggestion of the appointment of a committee. with the view of showing the impropriety of legislating on this subject, or forbidding it from availing itself of the opportunities which might offer for its adjustment, he thought such an argument ought not to be listened to for a moment. And when he said this, he confessed his principles so far coincided with those of the right hon. Gentleman, that he was in favour, not of absolute free trade, but of a moderate protection. But the whole question was—what was that moderate protection? The moment our duties reached that point which compelled our colonies to take bad English articles when they could get better and cheaper elsewhere, they became factitious and burdensome in their nature. He held, then, that our North American and West-India duties were immoderate and excessive. The right hon. Gentleman had alluded to the evidence of a gentleman, who had for many years been Secretary to the Board of Trade. He meant Mr. Hume, who had given his evidence before the Import Duty Committee, and of whom he had spoken in high terms, but not higher than his character, talents, and services deserved. This was not the first time that gentleman had been examined before a Committee of the House of Commons. He had given his evidence before the Select Duties Committee of Mr. Huskisson, the Timber Duties Committee of Lord Sydenham, and he could only say, that as long as he presided over the Board of Trade, he should not only permit, but encourage the officers of that Department, to give every information in their power, when called upon by such bodies. He did not deny, that the suggestions of some of the witnesses appeared to him to be somewhat chimerical, or that he should not recommend his right hon. Friend, the Chancellor of the Exchequer, to frame his budget on the plan which the right hon. Gentleman (Mr. Herries) alluded to, without considerable modifications, but this he would say, that the labours of the committee had, on the whole, produced the most important benefits: it called the public attention to the present state of the duties, and it was only necessary to direct that attention to them, to show that important changes might be effected with the greatest advantage. They should act with circumspection, and on information due to the importance of the subject: but he heartily rejoiced, that every day furnished evidence of an improved feeling and increased information in the country, which, if properly reflected by the Legislature, must lead to important and useful results.

Mr. *Villiers* said, that after the important and satisfactory speeches of the President of the Board of Trade, and the noble Secretary for the Colonies, he felt some scruple in troubling the House with any remarks, as they certainly had, in the opinions they had professed, said what was quite sufficient to recommend the measure to him. They had avowed themselves, with geeat distinctness, advocates of the policy which was avowed by Mr. Huskisson, and had expressed that confidence in the justice of his and their own opinions, that made them independent of further inquiry. They seemed from their speeches to be aware of the wants of the country and of the colonies, and only to desire the power to give effect to their liberal views. After the speeches indeed he had heard from them that night, he should watch their course with interest and with hope. He wished now to say one word as to what had fallen from the right hon. Gentleman the Member for Harwich, with reference to the committee on import duties, of which he (Mr. Villiers) had been an active member. In one respect, what had fallen from the hon. Gentleman in his allusions to that committee had not surprised him, for he had spoken of it, and of the witnesses that gave testimony before it, with that caution and respect that became a man of sense and honour, feeling as he did that against their object or their motives he had nothing to allege — and thus at once distinguished himself from speakers in another place, who had thought it right to impugn the conduct and motives of members of that committee. The right hon. Gentleman had honestly said, that he had nothing to say against the fairness of that committee, he believed, that they had conducted their proceedings justly; that he knew that Members on his own side had been consulted as to its composition, and that the character of the witnesses, more especially the one that had been referred to, was deserving of all respect and credit, from his integrity, intelligence, and experience. And, indeed, no person whose opinion was worthy of respect would venture to utter one word against the gentlemen who had given the principal evidence before that committee. What the right hon. Gentleman complained of, if he understood it, was the result to which the evidence had led the committee. The right hon. Member seemed to think that if there had been more time, that evidence might have been adduced to shake the evidence which was taken, Now he would take leave to set the hon. Gentleman and others who had commented on this matter, right in one respect, namely, that the evidence did not derive its importance from the particular witnesses or the opinions they expressed, but from the facts taken from official documents, and explanations given to them by persons, whose attention, from the nature of their office, had been particularly directed to them. The object of the inquiry was to ascertain with what view and purpose the duties on imports had been imposed; there had been some confusion on this subject in discussions in this House, and his hon. Friend the Member for Kilkenny, proposed to move for this inquiry—the question being whether they were for revenue, or what is called protection? The real importance, then, which attached to the report of this committee was, from the startling facts which it elicited in the exposition of this subject, and there is no delay, no fresh committee composed of members possessing what is called enlarged experience or high commercial character, that could vary in the least (if they were indefinitely to postpone their inquiry) the facts which result from comparing the taxes which are imposed for revenue and the taxes which are imposed for protection, or in other words, imposed to swell the incomes or secure the profits of particular classes at the expense of the community. It is the enormous burden imposed by this means upon the people by enhancing the price of the necessaries of life, that startles and surprises the community, that has angered those that are interested in maintaining the corn-laws, and induced them now to cal the committee partial and one-sided. He remembered when he requested the President of the Board of Trade to allow the hon. Member for Kilkenny to have this committee: he said, why he can only elicit facts that are already known, or at most give them the authority of an official document; and that is really what has been done. They had examined the persons who were, or who had long been, in the public service, and who explained the purpose and operation of the import duties, and they showed how various had been their objects and effects, and how time and circumstances had contributed to alter their intended operations. But he contended that the facts that were really damning to the existing tariff were those which could not be controverted, and which had been established by respectable and competent witnesses. But it was perhaps a diversion to refer to this committee upon this occasion. The resolutions before that House were not immediately founded upon it; and though resting on principles which the report of that committee went to uphold, were in fact independent of it, and indeed there was nothing which had fallen from the President of the Board of Trade that had not been distinctly stated by Mr. Huskisson in 1825. He (Mr. Vivian) supported these resolutions which were now submitted to the House, because they seemed to assert one principle of policy, and abandon another. They assumed, that colonies, like independent countries, required liberty of trade to prosper; and on the other hand, that it was unwise, as it was unjust, to sacrifice the interests of colonial communities to the interests of the parent country, or to particular classes connected with them. And the real question which was raised by these resolutions was the one of monopoly or freedom—and he, for one, did not complain of tho right hon. Gentleman the Member for Cambridge's speech, who advocated the cause of monopoly. He consistently urged every argument in favour of protecting particular interests, and opposed himself to the system of promoting the common interest before the interest of the class or the individual. The hon. Member threw out a variety of suggestions and objections to the measure, but they all turned upon the evil to the interest, and did not refer to the good of the country or the community. The right hon. Gentleman, moreover, did not object to the measure as regarded the colony, or to its immediate effects elsewhere; but his real alarm was for the precedent it might afford at some distant day in dealing with interests nearer home. Here, then, he and the right hon. Gentleman met on distinct grounds, for it was precisely in the precedent that it offered for future legislation that he saw its chief merits; and this was doubtless also the only ground on which it could be opposed, for he did not suppose that any person questioned the evil that was produced by the present system of duties, which really was one system of reciprocal mischief between the mother country and the colony, and between one colony and the other; for, at present, the mother country was at great disadvantage, obliged to take exclusively the dear sugar of the colonies, and in return the colonies were obliged to take the dear provisions of the mother country. Nobody would deny, he supposed, that that was a great disadvantage to both Again, Jamaica was obliged to take fish from Nova Scotia, and our provinces in America were obliged to take sugar from Jamaica—thus, in each case, getting what they wanted at the dearest market. It was altogether an unsound system. It was an attempt to benefit the colonists and the mother country, by inflicting injury on each in turn; it was a system, in short, which was only aptly illustrated by the ludicrous image of the late Member for Hull (Colonel Thompson), who compared the protective system to so many monkeys in different cages each stealing from his neighbour's pan, and each losing as much as he had stolen. The present measure acknowledged the sounder principle of freedom of trade. It was for that reason that he should not now complain of its imperfect character, or remark upon its little interest or importance to the people of this country, for he approved of a measure that recognized the policy and interests of the community in procuring the necessaries of life, and what else they might require at the market where they could be procured the best and the cheapest. That was a principle, and one that he should always uphold, and he did not well see how that should be applicable to a population of negroes, and not be on some day applied to the fairer portions of her Majesty's subjects. He trusted that the day was now at hand when all would be alive to the advantages of allowing men to exchange the fruits of their industry at the best market. He thought great progress had been lately made on this subject, and if a bill founded on these resolutions was carried, and the injustice and folly of imposing protective duties on human food acknowledged, it would not be long before this country would be allowed to benefit by a similar policy. It had been said in jest that some of the persons that had laboured so zealously to procure negro emancipation had at last persuaded themselves that a black man was a better man than a white one. It almost seemed by this case as if the Legislature was tainted with a philanthropy, somewhat similar for, while the white men of this country were suffering the greatest depression from laws that raised the cost of food, consideration could only be procured for the wants of the blacks. However, he looked forward to some good being ultimately got for this country by this measure, and he supported what the right hon. Gentleman proposed with pleasure and satisfaction.

Mr. *G. Palmer* observed, that he had an opportunity of becoming acquainted with the peculiar views entertained by Mr. Huskisson with regard to protective duties, and that those views were modified very far below what had been stated by the hon. Gentleman who had just sat down. The hon. Members for Kilkenny and Wolverhampton had shown plainly enough by their speeches, what would follow if these resolutions were carried, and their intention was not even disguised, to found upon them a sweeping attack on the landed interests of the country. The principle which was now applied to rum, would be speedily caught up and applied in a variety of other directions; and the Irish provision and Canada timber trade would be deprived of the protection which they at present enjoyed. The ultimate result would be, that not one article of protection would be given to British interests in any quarter of the globe, more than to those of any foreign power whatsoever. The effect would be most disastrous on their shipping interest; and he need scarcely say, that if they checked in any way their mercantile marine, they necessarily went to impair their naval power. He begged to call the attention of the Government to the following statement, which he had derived from the most authentic sources. During the twelve years of war, from 1803 to 1815, the average loss was 7*l.* 13*s.* 5*d.* per cent.; from 1815 to 1823, when the system of reciprocity took place, the average loss was 6*l.* 17*s.* 8*d.*, and this in time of peace, making a difference of 16*s.* per cent. But the average loss since that period had not been less than 11*l.* per cent. How was this accounted for? The ships were of an inferior description, of an inferior make, and inferiorly provisioned, because they could not compete with the commerce of foreign countries on any other terms. If, then, the protective duties were removed, must not the effect upon their colonial shipping be altogether ruinous? He had watched with much interest the progress of mercantile affairs for many years, and it was his decided opinion, that it was necessary to protect trade; it could not go on without protection.

Mr. *B. Baring* said, his principal object in addressing the House was, to state that the language used by the hon. Member for Wolverhampton was as inconsiderate and rash as were the propositions which emanated from the committee of which the hon. Gentleman was a Member, and wholly unworthy of notice. He thought that some of the resolutions before the House would do a serious injury to the British colonies. He would not enter into details, as he should have other opportunities of doing so. He complained of the manner in which the examination had been conducted before the committee.

Mr. *Villiers* was not aware to what observations of his the hon. Member who spoke last referred, but if they were meant to apply to what had been said in another place, respecting the conduct of the import duties committee, he wished it to be understood that he repeated all that he had stated.

Mr. *B. Baring* said, that he certainly had referred to those observations upon what had passed in another place, and which were expressed with the flippancy which generally characterised the hon. Member's remarks.

Mr. *Villiers* said, that what he felt, with respect to the observations made by a noble Lord in another place was, that they were "personal, offensive, and unfounded;" and he was justified in this. The noble Lord to whom he alluded, had said that the conduct of the committee savoured more of design, trick, and contrivance, than any thing he had ever known. It was for the House to determine whether those were terms which ought to be applied to a committee appointed by itself. When the hon. Member said, that his (Mr. Villiers's) remarks savoured of the flippancy which characterised everything which fell from him, he could not, of course, reply to such observations without disturbing the order of the House. He treated it with the most perfect contempt, and would not waste the time of the House by alluding to it further.

Mr. *Hume* defended the conduct of the committee, and was about to read an extract from the speech of the noble Lord in another place, when

Mr. *Goulburn* rose to order. It was a rule of the House, that no reference should be made to what occurred in debate in the other House of Parliament. That rule had already been violated in the course of the present discussion, and the consequence had been the occurrence of an unpleasant misunderstanding.

Mr. *Hume* did not wish to excite angry feelings; he only wished to put the House in possession of the explanation he had received from the noble Lord alluded to, of what he had stated in the House of Peers.

Mr. *Bernal* (the Chairman of the Committee) said, that a great portion of the discussion which had taken place that evening had been altogether irregular. Many points had been debated which had no reference to the subject before the committee. He was sorry to say, that since he entered the House the rule which prohibited reference to what occurred in the other House of Parliament had been much disregarded. The consequence was, that he, when sitting in that chair, did not like to interfere to prevent such references, because at other times he heard they were made without being checked. He was, however, quite sensible of the irregularity of the practice, and of the evils which resulted from it. Now, that notice had been taken of the breach of order, he trusted that the good sense of the hon. Member for Kilkenny would dictate to him the propriety of desisting from the course upon which he was about to enter.

Mr. *B. Baring* suggested that the reports of what had passed in another place might not be strictly accurate.

Mr. *Hume* said, that he had guarded against that objection, by sending the passage upon which he was about to comment, and which appeared in the report of the *Morning Chronicle*, to the noble Lord who had been alluded to, and the noble Lord admitted that it was correct. However, he would not read the passage, since it was supposed that it might excite unpleasant feelings. Hon. Gentlemen opposite should, however, recollect that when persons were attacked they were naturally anxious to defend themselves. He might be allowed to state, in justice to the noble Lord who had been referred to, that his Lordship said he never blamed the witnesses who had given evidence before the committee; he merely considered the proceedings of the committee irregular.

Mr. *A. White* thought the resolutions proposed by the right hon. Gentleman, the President of the Board of Trade, conducive to the interests of our colonial empire; and he should not have troubled the House but for an observation of the hon. Member for Kilkenny, who seemed to labour under the impression that the reciprocity treaties were not injurious to the shipping interest of this country. Unquestionably there had been a considerable increase in our coasting trade, particularly in our foreign trade with countries with which we had no reciprocity treaties; but evidence of the injurious effect of the reciprocity treaties upon the shipping of this country was to be derived from the fact that from 1820 to 1839 there had been an increase in the foreign tonnage of 157 per cent., but in the tonnage of British shipping trading with Sweden, Norway, Denmark, Prussia, and the United States only 40 per cent.

Mr. *Bernal* said, that before he put the question, he felt it necessary to take notice of some unpleasant words which had been used in the course of the discussion. He was sure that they were the result of misconception, and had been used, on each side, in a moment of irritation. He hoped the committee would confirm the impression which the matter had made on his mind, and second his efforts in calling upon the two hon. Members to whom he referred, to consider the language which had fallen from them, and, so much as they possibly could to explain and retract.

Mr. *Villiers*, who had been speaking to a Member behind the Chair, during Mr. Bernal's address, now resumed his seat.

Mr. *Warburton* said, that his hon. Friend had been absent from his place when the Chairman addressed the Committee; perhaps he would be kind enough to repeat what he had said.

Mr. *Bernal* repeated his observations.

Viscount *Morpeth* expressed a hope that the hon. Members would be willing to run a race with each other in retracting expressions which they had used under the influence of excitement. Under the circumstances it was not unnatural that the hon. Members should have expressed themselves warmly—one being the relative of a noble Lord, and the other a prominent Member of a Committee, upon whom and which severe strictures had respectively been made.

Mr. *B. Baring:* he was, of course, in the hands of the House, and was ready to apologise if he had transgressed its rules. If he had offended, it was unintentional; but he had certainly felt hurt at the expressions used by the hon. Member for Wolverhampton. He was ready to retract what he had said, if the hon. Member would retract what had fallen from him.

Mr. *Villiers* said, he was ready to retract the expressions used by him, that the hon. Member considered personally offensive to himself, understanding that the hon. Member had done the same by him. What he had said had been drawn from him by the remarks of the hon. Member's relative, in another place, and which the hon. Member seemed to have thought could not have been used, but which, however, it now appeared, had been acknowledged by that noble Lord himself. The House would feel, that he had been justified in expressing himself warmly towards the hon. Member, when it recollected the observations that the hon. Member had used towards him.

Mr. *B. Baring* said, he still thought that there must be some mistake as to the offensive expressions attributed to his noble relative, for such language was abhorrent from his nature. He need add no more to what he had already said, which he believed, was considered satisfactory.

Mr. *Bernal* then put the question, that the resolution be agreed to.

Mr. *Goulburn* said, that the whole of his argument had been directed to the purpose of eliciting an explanation. Why the duties of 40 per cent., introduced by Mr. Huskisson, and confirmed by Mr. Poulett Thomson, as proper protection duties, had so entirely changed their character as to require the present alteration, as yet no satisfactory reason had been given. With respect to the committee on import duties he would not say a word; but he was anxious to know whether this was only one of a series of measures, and he thought that upon that he had been a little enlightened, not by the Government, but by other hon. Members on the other side of the House. He had been a little surprised to find the right hon. Gentleman, the President of the Board of Trade, taking the field against committees as guides for the opinion of the Government, for if there ever was a Government which had placed itself in the hands of committees, it was that Government which he now had the honour to address.

Mr. *Labouchere* said, that what he meant with regard to committees was, that with regard to customs duties he had always thought, that it was not his business to move for a committee of the House of Commons, because that would amount to an intimation to the public of the opinion of the Government, that those duties ought to be altered; and any such opinion ought to be reserved until the Government came down to move such an alteration. But it was a different thing when other hon. Members moved for committees, to which he often cheerfully consented, because the public and the Government derived a vast deal of important information from the labours of those committees. He adhered strictly to the principles which Mr. Huskisson had laid down on moving his colonial resolutions in 1835; but he did not think, that the measures which that right hon. Gentleman proposed were in accordance with the principles which he had himself laid down, and believing that he saw an opportunity of carrying those principles into full effect, he gladly availed himself of it.

Sir *Charles Douglas* said, that having been a Member of the Committee on import duties last year to which allusion had been made, he felt bound to state, that he shared largely in the opinion which had been expressed, that the report of that committee and the evidence taken before it were calculated to give an unfair, because a partial, view of the case. He begged attention to this fact, for which he would refer to their proceedings, and which was a perfect contradiction of the assertion of the hon. Member for Kilkenny, that the inquiry had been fair and impartial. The first paragraph of the report stated that—

> "The evidence was so valuable, that the committee could hardly do justice to it in detail, unless they proceeded step by step to a complete analysis, which the advanced period of the Session would not allow."

And then, in another paragraph, they stated that they—

> "Recommended that, as speedily as possible, the whole system of differential duties should be considered, and that a change should be effected."

And when he (Sir C. Douglas) moved an amendment to that report to the effect that the evidence, though "valuable," was so "partial and limited," that they could only "suggest the re-appointment of a committee to continue the investigation," he was in a minority of two to five. So determined were the committee to give the evidence to the House of those only whose opinions were against the Corn-laws; and no wonder, for as to the constitution of the committee it was composed of nine Government (or anti Corn-law) Members, to six of his side of the House; and the principal object of the majority had been to receive evidence against the Corn-laws, although the Government had given a distinct understanding on the motion for the committee, that it should not touch upon them. Except the hon. Member for Whitby, he (Sir C. Douglas) was the only Member on his side, who had attended the committee regularly. He had done so in the discharge of his duty, and though he had felt that want, which the importance of the subject should have prevented — namely, that Members of greater experience and of official knowledge in such matters should have been placed on the committee, he should at the proper time show, that as far as the Corn-laws were concerned the evidence taken was of little value—and how had the committee proceeded? It was appointed on the 6th of May, and did not meet for business till the 6th of July, after which it sat for fifteen days examining twenty-nine witnesses; every one of whom entertained opinions against the Corn-laws, and then on the 6th of August, the committee insisted on reporting their recommendation without hearing any other evidence whatever. Was it not, then, absurd to say, that both the evidence and the report were fair and impartial? He would never consent to legislate on the recommendation of a committee so constituted and on evidence so adduced. It might have answered the views of the hon. Member for Wolverhampton, and the majority of the committee; for, although the country had hitherto been misled, by the report and evidence, by its *ex parte* nature, it had promoted excitement, and so given satisfaction to the anti Corn-law party. A book called a "Digest of the Evidence" had been circulated, which was, if possible, worse than the original being calculated to convey an unfair and erroneous view of this most one-sided report.

Mr. *Hume* said, that there was no inconsistency in the report; for although there was not time for the committee to analyse the evidence, yet they thought that there were facts enough upon the evidence to enable the Government to reconsider the system of differential duties. That was the opinion of the majority; the hon. Gentleman was in the minority, and of course complained of the course which the majority had taken. But as to the charge of unfairness, he appealed to the hon. Member himself to say, whether there was any disposition to prevent any question being asked, or to exclude any evidence that could be offered. As to the constitution of the committee, he had asked Sir G. Clerk to put on the committee from the other side of the House hon. Gentlemen who would attend, and he had changed two or three for others who promised to attend, but did not. In the committee not a question had been put directly bearing on the Corn-laws. But that was a question so intimately connected with the whole subject of investigation that it was impossible to put a question which did not resolve itself into a question about the Corn-laws. The hon. Gentleman said, the digest of the evidence was unfair, but he challenged him to point out one single error. He maintained that it brought the facts fairly and shortly before the public.

Sir *C. Douglas* said, that he was bound to say, that no impediment had been thrown in the way of asking any question of the witnesses examined before that committee; and it was certainly true that the hon. Member had asked him whether he would attend the committee. He had replied that he would, but he felt that on a subject of that description he ought to have been supported in the committee by gentlemen of more experience on his own side of the House.

Mr. *Villiers* said, that he thought he could explain why the hon. Gentleman was not better supported by his friends, by the sentiment which the only friend that did support him, namely, the hon. Member for Whitby, expressed to him, before the committee was broken up—which was, that he really believed, that if the committee lasted for another week, that he should be as good a free-trader as himself.

Mr. *Herries* said, that the reason why Members who opposed the views of the hon. Member for Wolverhampton, did not attend the committee was, that they did not expect the inquiry would take the course it had taken. When the committee was moved for, it was distinctly stated, that the operation of the Corn-laws would form no subject of inquiry before the committee. In answer to his noble Friend (Lord G. Somerset), the hon. Member for Kilkenny had stated, that finding on reference to the British tariff, which was erroneously supposed to be more simple than that of other nations, no fewer than 1,150 articles had duties imposed on them his object in moving the committee was only to show what articles paid taxes which were not productive taxes; on which his noble Friend had stated, that after what had been stated, that the committee would not touch upon the Corn-laws, he should withdraw his opposition.

Mr. *Hume* denied, that he had given any pledge on the subject. The majority of a committee always determined what course the inquiry should take, within the orders of the House.

Viscount *Sandon* said, that it was quite impossible, that questions of such enormous importance to the commerce and manufactures of the country could be justly investigated without the examination of one witness, except on one side. The consequence of the publication of the evidence of the Under-secretary of the Board of Trade had been, that when it was found, that an official personage had come down to the committee and stated, that he would change this and change that, it was supposed, that he spoke with the authority of Government, and sales in several branches of trade were suspended. He could affirm this to be the case.

Mr. *Ward* said, that the sin of the committee had been, that they had brought out most valuable facts, which had been more quickly and thoroughly appreciated by the mercantile and manufacturing part of the community, and had laid a firmer hold upon the public opinion in general than the facts elicited by any committee he was acquainted with. That was the *gravamen* of the charge. If it was a report which the House was called upon to adopt immediately, as in the French Chambers, there might be good ground for what had been said. It appeared to him, that no subsequent evidence could shake the firm conviction that was spreading among the great towns of the kingdom, that the resolutions before the House were the proper basis of legislation. The country would receive with the greatest satisfaction the declarations that had been made by many of the Members of her Majesty's Government.

Viscount *Sandon* said, that was his complaint. He complained, that impressions and views, which the President of the Board of Trade had declared to be delusive and visionary in regard to several leading facts, should have been put forward by a committee who had only gone into one side of the question. Both sides ought to have been heard before any publication had taken place. It was most objectionable, that an Under-Secretary of the Board of Trade should have stated before that committee in language which might be translated, and materially influence the conduct of foreign merchants, that the duties on certain articles were prohibitions, except at famine prices, and stated this, too, as if it were the law, and not merely an interpretation of the law.

The resolution was agreed to.

On the question being put, on the next resolution,

Mr. *Labouchere* said, in answer to a question, it was his intention, in the bill to be founded on the resolutions, to enact, that it should not come into force until the 1st of January, 1842, which would enable the various colonies to make the arrangements that would become necessary in consequence of the alterations.

All the resolutions were agreed to.

The House resumed.—The report to be received.

Criminal Justice in Boroughs.] The Attorney-General moved the Order of the Day for going into Committee on the Criminal Justice in Boroughs Bill.

Mr. Bolling moved, that the House adjourn.

Mr. *Fox Maule* hoped the House would not agree to the motion of the hon. Gentleman. The great manufacturing towns of the kingdom were greatly interested in the passing of the bill, and he would ask whether the hon. Member was disposed to stand in the way of a measure of such great importance.

Sir *Charles Douglas* said, that many Members were not aware, that the bill would come on that evening. The noble Lord opposite had said, that on Fiday or Monday he would inform the House whether the bill was to be proceeded with before Easter. On Friday, the noble Lord gave no such intimation, and he apprehended, that the noble Lord had given no such intimation in the earlier part of that evening.

The *Attorney-General* said, that if he had reason to believe, that hon. Members were absent on the supposition, that the bill would not be taken up that evening, he would not persevere with it, but declared his conviction, that no hon. Members were absent under that apprehension. It was certain, that many hon. Members had been waiting impatiently hour by hour the whole evening in expectation of the committee on the bill. He could see no reason for postponement. The bill was of the last importance to the great boroughs, in which the administration of criminal justice was almost paralysed.

The House divided on the question, that the House do now adjourn:—Ayes 10; Noes 44: Majority 34.

List of the AYES.

Buller, Sir J. Y.
Courtenay, P
Egerton, W. T.
Fielden, J.
Gaskell, J. Milnes
Gladstone, J. N.
Inglis, Sir R. H.
Parker, R. T.
Rushbrooke, Colonel
Sandon, Viscount

TELLERS.

Bolling, T.
Douglas, Sir C.

List of the NOES.

Aglionby, H. A.
Ainsworth, P.
Bannerman, A.
Bernal, R.
Blake, W. J.
Broadley, H.
Brotherton, J.
Bruges, W. H. L.
Chalmers, P.
Clay, W.
Dennistoun, J.
Gordon, R.
Grey, rt. hn. Sir C.
Hastie, A.
Hobhouse, rt. hn. Sir J.
Hollond, R.
Howard, hn. E. G. G.
Howard, P. H.
Hume, J.
James, W.
Kemble, H.
Labouchere, rt. hn. H.
Macaulay, rt. hn. T. B.
Marshall, W.
Morpeth, Viscount
Morris, D.
Muntz, G. F.
Muskett, G. A.
Paget, Lord A.
Parker, J.
Patten, J. W.
Philips, M.
Pigot, rt. hon. D.
Rutherfurd, rt. hn. A.
Salwey, Colonel
Scholefield, J.
Stanley, hon. E. J.
Style, Sir C.
Thornely, T.
Troubridge, Sir E. T.
Tufnell, H.
Warburton, H.
Wood, B.
Yates, J. A.

TELLERS.

Maule, hon. F.
Campbell, Sir J.

The original question, that the House do now go into Committee was then put.

Mr. *Bolling* again stated his objections to proceeding with the bill at that late hour. He did not wish to place himself in opposition to the general feeling of the House, but he was strongly impressed with the conviction that the measure was of far too important a character to be hurried through at that time of night and in so thin a House.

House in Committee.

On the first clause being read, Mr. *Ludlow Bruges* proposed, in line 23, after the word "aforesaid," to insert the following:—

"And also any sum of money not exceeding the amount of any principal sum which previously to the passing of this act shall have been raised for any of the purposes aforesaid, and which shall be outstanding on security at the time of the passing of this act, and therewith to pay off and discharge the whole, or any part of the money for which such security shall have been given; provided, that every sum of money to be raised for the discharge of such outstanding loans and securities, shall be raised and borrowed on such terms and conditions as shall in no respect prevent or delay the repayment thereof within the time prescribed by this act, such time to be computed from the date of such outstanding securities respectively."

Amendment adopted, and clause, as amended, agreed to.

Upon clause 2 being read,

Mr. *Ludlow Bruges* proposed, in line 13, after the word "rates," to insert the following:—

"And every such security shall be registered by the clerk of the peace, or some other officer of such borough, appointed for such purpose, in a book to be kept by him for registering such securities; and it shall and may be lawful for every person who shall be entitled to the money so to be secured, and such person, his executors and administrators, is and are hereby empowered (by endorsing his, her, or their name or names on the back of such security) to transfer the same, and his, her, or their right, to the principal money and interest thereby secured, unto any other person; and every such assignee may in like manner transfer the same again, and so from time to time, as circumstances may require, and the person to whom such security or any assignment thereof shall be made, and his executors, administrators, and assigns, shall be creditors upon the said borough fund or rate, or gaol rates, in an equal degree one with another; and the said mayor, alderman, and burgesses, by their counsel, shall direct in what order such securities shall be discharged, by drawing lots or otherwise, as they shall see fit, subject nevertheless to the discharge in the first place of all such securities as shall bear the highest rate of interest."

Amendment adopted, and clause, as amended, agreed to.

Remaining clauses agreed to.

Mr. *Wilson Patten* proposed to introduce two clauses; one confirming the charter of Manchester, about which great expenses had been incurred in legal proceedings, the other indemnifying officers, and placing them on the same footing as that in which similar officers in corporate towns stood prior to the passing of the 5th and 6th William 4th.

On the first clause being brought up,

Mr. *Mark Philips* declared himself decidedly opposed to it. He objected to it as being bad in principle. The object of it was to place upon the people of Manchester the whole burden of the expense incurred by the vexatious opposition offered by a small body to the general wish and feeling of the town.

Mr. *Courtenay* hoped the House would adopt the principle of compensation.

Mr. *Muntz* moved, that the town of Birmingham should be added to the clause.

Mr. *Hume* objected to the principle of the clause.

The *Attorney-General* suggested, that the clauses should be printed and moved on the bringing up of the report.

Mr. *W. Patten* had no objection that Birmingham and Devonport also should be included in the clause. He thought the committee had better report progress and ask leave to sit again: the clauses might be considered in committee, when there would be more opportunity for discussion than on bringing up the report. The hon. Member concluded by moving, that the Chairman do report progress.

House resumed.

The Chairman reported progress, and obtained leave to sit again.

Adjourned.

HOUSE OF LORDS,

Tuesday, April 6, 1841.

MINUTES.] Bills. Read a first time:—Metropolis Improvements.

Petitions presented. By the Bishop of London, from the Clergy of Northampton, and Lewes, for Settling the Rateability of Tithes.—By the Bishop of London, and the Marquess of Normanby, from Clapham, and Westminster, for the Abolition of the Toll on the three Bridges.—By the Bishop of London, from Llangollen, against supporting Idolatry in India.—By the Duke of Wellington, from the Corporation of Dover, in favour of the Jews Declaration Bill.—By the Duke of Buckingham, from Leominster, for the Repeal of the Catholic Emancipation Act, and against any further Grant to Maynooth.

CRIMES (IRELAND).] The Marquess of *Normanby* moved for papers connected with the result of certain trials in Ireland. He had felt it his duty last night to oppose the motion of the noble Earl (Charleville) on grounds which had appeared reasonable to their Lordships, but still he was anxious to give every information in his power. He should therefore move for a return of all the trials for ribbonism in Ireland during the last two years, distinguishing the parties who had been convicted and those who had been acquitted, and also the cases in which the jury had been discharged without coming to any decision. He had reason to believe, that the result would prove, that the acquittals, which in ordinary cases were to the convictions as seven, six, and five to four, would turn out to be in the ribbon cases in the ratio of three-and-a-half convictions to one acquittal, and that there was only one case in which the jury had been discharged without coming to any verdict. He wished to take that opportunity of correcting an error in the report that had gone forth to the public of his speech last evening, by which it would appear that the examination of the panel of the jury by Mr. Biddulph had taken place in private, which was not the case. What he stated was, that Mr. Biddulph was by when the panel was called over, and the words of the magistrate were, that he had directed Mr. Biddulph to look at the panel attentively. There was every desire on the part of the officers of the Crown to receive information from Mr. Biddulph, reserving to themselves the right of acting upon that information on their own responsibility.

Papers ordered.

Adjourned to April 22.

HOUSE OF COMMONS,

Tuesday, April 6, 1841.

MINUTES.] Bills. Read a first time:—Arms (Ireland); Trade of British Possessions Abroad; Municipal Annuities.—Read a third time:—Indemnity.

Petitions presented. By Lord Claude Hamilton, from Corkstown, Stewartstown, and other places in the North of Ireland, against Patronage in the Church of Scotland.—By Mr. Strutt, from Fareham, against Church-Rates—By Mr. Dennistoun, from Portwood, Mr. Thornely, from Stockport, Mr. A. White, from Styal, and Gatley, and Colonel Salwey, from Bandon, for the Abolition of the Corn-laws.—By Dr. R. Alston, from the Guardians of the Bedford Union, in favour of the Poor-law Amendment Act.—By Mr. Wakley, from the Camberwell and Walworth Charter Association, to remit the Sentence on Mr. Feargus O'Connor; from Salford, for the remission of the Sentence on Frost, Williams, and Jones; and from Finsbury, to institute an Inquiry into the principles of the Socialists.—By Sir R. H. Inglis, from Tradesmen in St. Martin's-lane, and by Mr. Muntz, from Inhabitants of York-road, Lambeth, for the Abolition of Tolls on Vauxhall, Waterloo, and Southwark Bridges.—By Mr. Scholefield, from Birmingham, for a Tax on Property; and from Hamilton, for the Charter.—By Mr. H. Berkeley, from Bristol, against the Poor-law Amendment Bill.—By Mr. J. Round, from a place in Somerset, against the Poor-law Amendment Bill.—By Mr. A. White, from Roman Catholics in Sunderland, for allowing Inmates of Workhouses access to their own Religious Worship.—By Mr. Wilbraham, from Socialists, for Inquiry.—By Mr. Hume, from Lambeth, and Reading, for the Release of Hetherington; from Members of the National Chartist Association of Westminster, and the Tower

Hamlets, in favour of the People's Charter; and from London, for the Release of Mr. Feargus O'Conner, and Robert Peddie, Frost, Williams, and Jones.—By Mr. F. Maule, from Perth, and other places in Scotland, for the Abolition of Church Patronage.—By Mr. Morrison, and Mr. W. S. O'Brien, from Limerick, and other places, in favour of Lord Morpeth's Irish Registration Bill.—By Lord Hotham, from Inhabitants of Leominster, for the Repeal of the Catholic Emancipation Act.—By Mr. Thornely, from the Mexican and South American Association of Liverpool, for the Reduction of Duty on South American Coffee.—By Sir W. Somerville, from the Medical Practitioners of New Ross, for Medical Reform.

SYRIA.] The Speaker communicated to the House a letter from Sir Robert Stopford, in acknowledgment of the resolution of thanks voted by the House on the 5th of February. The letter of Sir Robert Stopford was read as follows:—

"Her Majesty's ship, Princess Charlotte,
"Malta Harbour, March 11, 1841.

"Sir—I have the honour to acknowledge the receipt of your letter of the 8th ultimo, transmitting the unanimous resolution of the House of Commons, giving the thanks of the House to myself, Commodore Sir Charles Napier, and the officers, seamen, and marines under my command, as well as to the officers and seamen of the allied forces, for the late operations on the coast of Syria, terminating in the successful and decisive attack on the batteries and fortress of Acre on the 3rd day of November, 1840.

"Having had the good fortune, during a long naval career, of being placed in situations and circumstances under which I frequently had the distinguished honour of receiving the thanks of both Houses of Parliament, it is particularly gratifying to me now, at the close of my career, to be again thus honoured.

"I beg leave to assure you, Sir, that I am deeply sensible of the flattering terms in which you have been pleased to convey to me the thanks of the House of Commons, of which I shall ever retain the most grateful remembrance.

"I have transmitted to Rear-Admiral Baron de Bandeira and to Admiral Sir Baldwin Wake Walker the resolutions of the House of Commons, which I shall also communicate to Major-General Sir Charles Frederick (Felix) Smith, who is now in England.

"I have the honour to be, Sir,

"Your most obedient humble servant,

(Signed) "ROBERT STOPFORD, Admiral.

"P.S. Having just learnt the arrival of Sir Charles F. Smith at Gibraltar, I shall send the thanks of the House of Commons to the major-general at Gibraltar."

To be inserted in the Journals.

ADJOURNMENT.] Lord Palmerston moved that the House at its rising do adjourn until Tuesday, the 20th inst.

Mr. *Hume* thought that motion would come better at the close of the proceedings, because Ministers were in the practice of walking out as soon as certain business was over, and thus other Members might be prevented from bringing on their motions. He spoke feelingly for he had a motion on the paper which he was most anxious to make.

Viscount *Palmerston* could only speak for himself, and he intended to remain quite as long as any other Member; but he believed it was the usual practice, when it was intended to adjourn for more than one day, to make the motion before the commencement of the regular business.

Mr. *Hume* said he believed it was the usual practice, but he thought a very bad one.

Mr. *Wakley* said, as the noble Lord intended to stop till the close of the proceedings, it would not be at all inconvenient for him to make the motion at the end of the evening.

The *Speaker* said, if the motion were not agreed to before five o'clock, hon. Members would be prevented from giving notices of motions for any day after the holidays.

Motion agreed to.

House at rising to adjourn to April 20.

PORTUGUESE CLAIMANTS.] Mr. *P. Howard* wished to ask the noble Lord (the Secretary for Foreign Affairs) when the Portuguese commission for the settlement of British claims upon that country would be opened for the reception of claims.

Viscount *Palmerston* replied, that the commissioners had met, and, before proceeding to decide the various claims, had very properly determined they would decide on the principles which should govern them. The first point which arose was to decide which of the various contracts were binding. The commissioners differed on this point, and had to refer the arbitrator who had not yet pronounced his decision. The commissioners thought that they could not proceed with satisfaction until they determined on what principles the claims should be decided.

EDUCATION.] Mr. *Ewart* said, that his object in introducing the subject which he had announced to the House, was twofold.

In the first place, he wished there to be a responsible Minister who should superintend in Parliament the most important of all subjects—the Education of the people. In the next place, he wished such Minister to lay an annual statement on that vital question before the Parliament and the people. He desired to apply to this great subject the two most powerful attributes of representative government—responsibility and publicity. That the periodical statement which he asked for should be made, was consonant with strict Parliamentary precedent as well as with reason. They had every year regularly laid before them the financial statements of the Chancellor of the Exchequer. The Secretary-at-War entered at large into the prospects and condition of the army; the Secretary of the Admiralty into that of the navy; another Secretary into that of the ordnance. Ought they not to apply a similar principle to a case more important than all of them—the general education of the people? He (Mr. Ewart) need scarcely remind the House that, in other countries, the principle of a responsible Minister of Public Instruction, and of a periodical report by him, had been long adopted. In Prussia the forms of this principle might be traced as gradually developing themselves since the era of Frederic the Great. He would venture to say, that not all the military glories of that illustrious man, great as they were in success, and still greater in misfortune, would confer more lasting honor on his name than his early introduction of a general scheme of education for the people, whom he had begun by saving and ended by instructing. It was well known by Members of that House that there was a responsible Minister on the subject of education in France, and that he reported periodically to the king. Such a minister (the Minister of the Interior) there also was in Holland. Nor could anything more powerfully demonstrate the benefits of such an institution than the evils which had attended the loss of it since the separation of Belgium from Holland. On this point Mr. O'Malley, a traveller well qualified to judge, had declared that the state of education in Belgium was now most deplorable; "there being now no central control, no Minister of Public Instruction, no normal school." This account of an English traveller was fully sustained, by the confessions of an illustrious Belgian statesman M. Ducpetiaux.—

"For nine years (says M. Ducpetiaux) the Government has abstained from publishing reports on the situation of the schools of the country—not only is the greater part of our population abandoned to the most deplorable ignorance, but the instruction given to the children in the schools is far from being proportionate to their wants. The care of education is generally neglected; instruction, purely mechanical, addresses itself to the understanding, rarely to the heart; it gives the instrument without teaching its use; and often creates the evil which it ought to remedy."

Even in the United States, a land the most averse to any system of centralization, a recognition of the principles which he (Mr. Ewart) advocated, had at length been made. In many of the states, as in Massachusets and New York, reports on the existing condition of education were yearly compiled and laid before the Legislature. But between the reports usually made in foreign countries and the one which he proposed, he (Mr. Ewart) would establish two distinctions. In the first place, he would have such a statement, addressed not to the Sovereign, but to the Parliament; in the next place, he would have it made publicly, that it might be borne on the wings of the press openly and freely throughout the country. Nor would it be a slight benefit that there should be constantly in the House of Commons a responsible Minister, who might be publicly interrogated at all times respecting the condition of the education of the people. But it might be objected that education has not yet assumed in this country such a form, or been so concentrated, as to afford materials or scope for an annual report. He (Mr. Ewart) denied the validity of this objection. In the first place, an account ought to be rendered of the disposal of the annual grant voted by Parliament—a miserable contribution certainly for a great nation; and the more miserable when compared with the sums allocated to the purposes of public education in France and other foreign countries. But beside this subject, there were the proceedings of the Board of Public Education in Ireland (which was about to impart, and was imparting, such blessings to that country); the state of education in Scotland (where the ancient and honourable distinction of Scotland, its parochial school-system, required revision); there were the various establishments in the different municipalities, many of which formed a committee of the town-council on the especial subject of education; and which would willingly communicate with the

Government; all these might form the subjects of a comprehensive public statement. Education, too, had recently been connected with our factory system; it had been engrafted on our system of prison-discipline; it had been extended to our work-houses under the new Poor-law Act: On education, in their several departments, these several commissioners reported. But, in his opinion, it would be better that they should come under one great department specially devoted to education. Besides these subjects for an educational report there were the various Schools of Art now happily forming in this country. The Board of Trade was not, in his opinion, a body peculiarly qualified by its constitution or pursuits to develope the formation and superintend the management of Schools of Art. Yet it was now entrusted with the charge of them. Another subject of great importance was the formation of public libraries: it was well known that public libraries were abundantly scattered over the continent. In England, excepting the British Museum, he scarcely knew where there was a public library. In Paris there were four, daily open to the public; the Bibliothèque du Roi, the library of the Arsenal, the Mazarine library, and the library of St. Geneviève. In the latter a regulation had been recently adopted which might be beneficially imitated by the trustees of the British Museum. The library of St. Geneviève had been opened during the last three years in the evening, from the hours of six to half past ten, for the use of artisans. He believed the experiment to have been entirely successful. Why should not the British Museum be rendered equally accessible to the British public? It was well known to what an extent public libraries existed in Italy. In Germany, it appeared, from a recent statistical document, that there were no less than eighty or ninety public libraries. In Russia, within the last five years a library had been opened by the emperor at St. Petersburg; and provincial libraries had been formed at Wologda, Wladirur, Archangel, and other places. What could more appropriately be included in the annual statement of a Minister than the formation and state of public libraries, and all the various subjects which he had rapidly brought under the consideration of the House. In short he might be permitted to include them all in the words of an eminent foreigner, M. Salvandy, who (in his report to the king of the French in the year 1839) thus comprehensively described the attributes and province of the department of education.

> "The teaching of the people, the education of youth, literature and science, all the institutions, the depositaries of human knowledge, all collections which preserve its monuments and acquisitions are comprised in this department."

Even more extensive objects than these might be comprehended in this department of a government. All the improvements in Education adopted in foreign countries might, through this organ, be imparted to our own. It might form a means of international communication on the subject of education. We knew that our infant-school system was now diffused throughout the continent. It came back to us with improvements from Rotterdam and the Hague. Our Bell and Lancaster system had been shewn to be unequal, as an instrument of education, to the 'simultaneous' system practised in Germany. From the United States we might borrow their useful system of Lyceums, peculiarly adapted as they were to promote the education of persons absorbed in daily labour. The system of normal schools extending on the continent, was worthy of our emulation. It was true that the National School Society, the British and Foreign School Society, and several similar institutions had established, and were improving, their system of normal schools. Still the normal schools in Prussia were greatly in advance of ours. The number of them in that country was forty-five; the teachers instructed in them, were 2,500. These were institutions worthy of our rivalry; more especially as France now felt the necessity of giving greater extension to her normal system. A recent vote of the Chamber of Deputies had added to its efficiency; and M. Cousin, in a late review of his efforts as Minister of Instruction during the past year, particularly dwelt on the extension he had given to primary normal schools. The encouragement and enlightenment of that useful and honourable class — the school-teachers of the United Kingdom was worthy of earnest and early consideration. How different not only in intellectual, but in moral training was the German school-master from the individual, in many instances the village-fiddler, who filled that situation in Germany in former times! How different was the school-master in France becoming! how different in England! On their advancement depended that of our artisans, and of our rural population. Our artisans, he was sorry to say, though the most skilful workmen, had been shewn on the evidence of Mr. Escher—a foreign gentleman who employed artisans of all nations—to be far less cultivated in their tastes and intellectual in their pursuits (entirely through the neglect of the parent State), than the artisans from countries in which the State exercised a vigilant superintendence over education. Our rural population was (even within twenty miles of the metropolis) in a state of benighted ignorance. In Germany, it had been shown, on the evidence of Dr. Julius in 1834, that more attention was paid to the instruction of the rural population by the Government than to the population of towns. The artisans in our towns received daily, in the common intercourse of their lives, a species of practical education. They learnt in the interchange of commerce and the intermingling of society, a knowledge of the value of property and the benefits of order. But a grossly ignorant rural population when once excited, was the most dangerous, because the blindest slave of tumult and revolution. What more important duty could devolve upon the Legislature than constantly to inspect and ascertain their progress, and supply their wants of enlightenment and knowledge? He (Mr. Ewart) confessed he was not one of those who wished, or thought it necessary, to force education compulsorily upon the people. It was impolitic and needless to enact coercive laws, or send children to school under the tutelary guard of a policeman. He believed, that the *desideratum* was, to infuse into the minds of the people an habitual respect for education. Such a respect for instruction had long existed in Scotland, and formed one of the most valuable elements of the Scottish character. Such a feeling was extended through the United States, where a greater proportion of the population was, more or less, educated than in any country in the world. If we took a general view of the present state of education in Europe and America, we should observe a tendency of the two systems of education, the compulsory and the voluntary—hitherto in conflict—to combine. Those countries where the severer system of centralised education had hitherto prevailed, were gradually relaxing in favour of greater freedom. The principle of free instruction, or, as it was called on the continent, "*liberté d' enseignement*, was encroaching, in France and Belgium, on the more centralised system which had heretofore prevailed there. On the other hand, in countries where all had been hitherto left to free instruction, and private institutions, there was a growing tendency towards centralisation. Such was the tendency in our own country, such in the United States. In both, an unrestrained freedom—he might rather say, an excessive licence, on the subject of education had hitherto prevailed. There was now a general and gradual approximation of the two extremes; of the system of centralisation on the one hand, and of uncontrolled licence on the other. He deemed this to be the desired medium. The State should assist without undue interference, and superintend without undue control. Such would be the duty of any department of the Government appointed to preside over and render an account of the state and progress of national education. In this cause he owned himself deeply interested; even warmly enthusiastic. Those who like him had made some humble endeavours to amend the criminal law of the country, had ever avowed that such remedial measures were vain, unattended by the great preventive measure of education. Their language had always been, "Educate your people; be not satisfied with giving them, through your criminal laws, a horror of the punishment; give them, through the agency of education, a horror of the crime." This was, in his opinion, the great object of their legislative mission. In fulfilling it, he maintained, that they fulfilled not only their highest intellectual, but their highest moral and religious duty. Whatever might be said by theologists, whatever by partisans, in so doing,

> They *did* assert eternal providence,
> And justify the ways of God to man.

The hon. Gentleman concluded by moving, that "An humble Address be presented to her Majesty, praying, that she will be graciously pleased to direct that some responsible Minister of the Crown shall, yearly make to the House of Commons a statement of the condition and prospects of the Education of the people."

Mr. *W. S. O'Brien* seconded the motion. The country would feel much indebted to his hon. Friend for bringing forward this motion. As long as so much remained to be done, the question of education could not be too often discussed in that House. He did not think it necessary to enter into any general argument to prove the advantages of education. It might now be taken as conceded, that, after the protection of life and property, no higher duty could rest upon the State than to take measures for enlightening the people at large, and to place within the reach of each individual that sort of education which is best calculated to fit him for the station in which he is destined to move. Yet, till very lately, no effort had been made on the part of the State to provide for the instruction of the people. Everything had been left to the voluntary efforts of individuals. He admitted that if it were intended to afford no further encouragement to national education than was at present given, it was of little importance whether or not a Minister of Instruction were appointed. But if Parliament were disposed, as he hoped would hereafter be the case, to perform the duty which it owed to the people—heretofore neglected—then the appointment of a Minister of Instruction ought not to be deferred. The first question was, whether a reliance upon the voluntary system in regard of education, had secured for the people at large such means of instruction as rendered unnecessary the interposition of Parliament. Without entering into elaborate details, he would merely glance at some striking results obtained from the various inquiries which had of late years been directed to the solution of this question. The first of which he would refer, was, the report of Mr. Tremenheere, who was sent down to the mining districts of South Wales for the purpose of ascertaining what was the state of education in the district in which the Chartist insurrection had taken place last year. It appeared, that in the five parishes adjoining Merthyr Tydvil, there was a population of 85,500. Now in calculating the number of children who ought to be receiving instruction in any given population, it was usual to assume that all between the ages of five and fifteen should be in attendance at school. The children between these ages constitute about one-fourth of the population. In several of the United States of America, more than one-fourth of the population are found to be in attendance at school. Mr. Tremenheere, however, assumes that only one-fifth of the population, or the children between the ages of five and thirteen, ought to be at school. On this computation there ought to have been 17,000 children under instruction in the population of these five parishes. The whole number of children found to be in attendance upon day and dame schools was 3,308. Yet in this district the wages of labour are peculiarly high. Another striking indication of the want of education amongst the working classes of this country was to be found in Dr. Kay's report upon the training of pauper children. On the 12th. June, 1837, there were 1675 adults in the workhouses of twenty-two unions and five incorporations, in Suffolk and Norfolk, of whom only ten could read and write well; 281 could read and write imperfectly; and 928 could neither read nor write. Another interesting document to which he would refer, was the second report of the register-general of births, deaths, and marriages, by which it appears that out of 121,083 couples who were married in the year 1838, 40,587 men, and 58,959 women, could not sign their names, *i. e.* thirty-three per cent. of the men, and forty-nine per cent. of the females, were unable to write. Again, it appeared from the gaol reports, that more than one-third of all the prisoners in the gaols of England could not even read. He had added together the summaries of the abstracts of the education returns for the three kingdoms, and he found, that, whilst upon the supposition that one-fifth of the population ought to be in attendance at school, the number receiving instruction ought to be 4,961,344, these returns show that not more than 2,713,300 children were under education. It was needless to accumulate proof to convince the House that the quality of the education was as imperfect as its amount was inadequate. It was truly humiliating to find that this country, the first in commerce and in arms, was nearly the last amongst civilized nations in regard of popular education. He held in his hand a table prepared by Mr. Ducpetiaux, showing the comparative proportion of the population in attendance at school in different countries, from which it appears that in some of the American states one-third of the population are under education; in Switzerland one-fifth; in some of the German states one-sixth; and England is nearly at the bottom of the scale. Whilst we were quarrelling about a miserable grant of 30,000*l.* it appeared that above 1,000,000*l.* had of late years been applied to education in the state of New York alone. He trusted, however, that the time was not distant when Parliament would apply itself to this all-important department of its duties with greater energy than it had hitherto evinced. Not only ought the grant in aid of education to be augmented to an extent commensurate with the wants of the country, but its administration ought to be improved. A great step had been already made in taking the grant out of the hands of two irresponsible societies, at whose disposal it was formerly placed, and in subjecting it to the control of public officers amenable to Parliament. But still the organization of the education department was very defective. The Committee of the Privy Council was not nearly so competent a body for the administration of the parliamentary grants as a Minister of Instruction, aided by a board of education, would be. The committee of council, consisted of high government functionaries, overladen with other duties. No one of them was specially responsible for the management of this department. Under these circumstances, the secretary became naturally the efficient officer, on whom all the labour would fall, but without adequate responsibility. The council had not submitted to Parliament such a report upon the state of education in the country as might be expected from a Minister of Instruction. He, therefore, united with his hon. Friend in asking that a responsible Minister, having a seat in that House, should be appointed to superintend the education of the country; and that this Minister should, upon moving the votes for educational purposes, make an annual statement upon the condition and prospects of popular instruction. If Parliament should consent to apply to this object the amount required to meet the existing deficiency, such a Minister would find abundant occupation, and would fulfil one of the most important functions in the State. He would be expected to make an annual report to Parliament, showing how the funds placed at his disposal had been employed—exhibiting the existing educational resources of the country—pointing out their deficiencies, and suggesting measures for extending and rendering more effective these resources. With reference to primary schools, his first duty would be to mature a plan for placing within the reach of every poor family in the kingdom the means of obtaining, at a small expense, a good elementary education. In his opinion, this could only be done by enabling local districts to co-operate with those who administer the parliamentary grants, by raising a rate for the support of schools. He was glad to find that the leader of the Conservative party (Sir Robert Peel) had lately advocated a partial application of this principle. In the debates upon the Poor-law, he had suggested that in the combined schools established for the education of paupers, the children of the neighbouring poor should be admitted on payment of a small school fee. He could see no reason why this principle should not be extended to all the workhouses in the country. In each workhouse a school must be maintained, and by adopting the right hon. Baronet's suggestion, this school might be rendered available for the education of the children of the independent poor of the neighbourhood. This arrangement would at once give to the country the advantage of schools of the best kind in about 600 unions. In connection with this subject, it would be the duty of the Minister of Public Instruction to provide for the establishment of normal schools, by which a supply of well trained teachers might be dispersed throughout the various schools of the kingdom. He would also naturally exercise an useful superintendance over the discipline of juvenile offenders, who ought to be placed in the way of moral reform as well as subjected to penal correction. He might also with advantage apply himself to the improvement of those seminaries in which the children of the middle classes receive their education, so far at least as those which depend upon endowment are concerned. There is reason to fear that the endowments of many of these schools have been made subsidiary to private interest, rather than to the purposes for which they were originally granted. It will also be the duty of this

Minister to propose to Parliament such votes as we now grant in aid of the London University, and to take care that the funds granted are properly applied. He trusted also that application would before long be made for grants for the establishment of provincial colleges. His assistance would also be useful in aiding legislation on all points connected with education. The example afforded by the bill of the hon. Member for Lambeth shows how much the interposition of such aid is required. For several years the medical world have been agitated with discussions upon the best mode of correcting the defects existing in regard to the present system of medical education. A Minister of Instruction could grapple with this difficult question with much more advantage than a private Member. So also with regard to instruction of a special kind—such as that given in schools of design, which this House appears at present disposed to encourage, and agricultural schools, mining schools, schools of art and manufacture, for which nothing has hitherto been done. The public would naturally look to a Minister of Instruction for assistance and superintendance. Aid might be given at a very small expense to mechanics' institutions, by sending to them persons qualified to give courses of lectures whenever the members of mechanics' institutions might desire such instruction. Much might also be done to encourage those subsidiary means of education, which have been found in the large towns of the Continent to afford so much instruction to the people —such as public libraries, botanic gardens, museums for objects of science and of art. All these various functions, and others which it would be tedious to enumerate, would naturally fall within the department of the Minister of Instruction. Believing that no more important subject could be brought under consideration, he had felt great pleasure in supporting the motion of his hon. Friend, and he hoped that the House would bestow upon it the consideration which it deserved. He was convinced that if Parliament had hitherto neglected te give to education the encouragement which it required, it was not from want of liberality, but rather from not having adequately appreciated its value. We had already granted, during the present Session, nearly fifteen millions sterling in support of our national defences, in order to keep our proper place among nations by the possession of material power, yet we hesitated to apply one hundredth part of this sum to the acquisition of a moral pre-eminence. So also many millions were expended annually in public charity for the relief of the poor, an object in itself humane and laudable. The expense of our gaols and police were to be counted by hundreds of thousands of pounds. Surely common sense, he would not call it philosophy, would suggest, that whilst we endeavour to mitigate and correct diseases in the system, we ought with still greater earnestness to apply ourselves to the removal of their causes. He rejoiced that this question had ceased to be made a topic of party conflict. The mode of administering the funds granted by Parliament for the purposes of education had been adopted, which conciliated the support of Churchman, Dissenter, and Roman Catholic. He trusted therefore that the time was come, more especially after the recent avowals of the leader of the Conservative party, of his desire to enlighten the humbler classes of the community, when all parties might vie with each other in endeavouring to secure for the people of England that which was among the greatest of social blessings, the benefit of a good system of national education.

Sir *G. Grey* said he felt that he could scarcely do justice to the subject then under discussion, looking to the state of the benches at that moment. He did not, however, attribute that fact to a proof of a want of good feeling upon the subject matter of the motion, but rather to the circumstance that that was the last day of meeting before the adjournment for the Easter holidays, and also to the fact, that many hon. Members who took a deep interest in the question had left town, under the impression that the subject of national education would not be brought forward at present. To the motion of his hon. Friend he entertained objections, founded not so much upon the proposal made, as in the difficulty of carrying the scheme into execution. He agreed in the feeling expressed by his hon. Friend that that House could not direct its attention to a more important object than that of the advancement of all practical measures to extend the blessings of education to all classes of the community. He agreed as to the deficiency of education in the country, extending, as it did, also to the character of the education which was given in many of the schools; but he must say he thought his hon. Friend had overlooked what had been done within the last few years on this subject. Looking at the difficulties—looking at the feelings which had been excited by the discussions on the subject which had taken place in that House and out of it—he certainly feared that if the proposal of his hon. Friend was seriously taken up it would excite those feelings and that discussion which was now happily allayed. Nevertheless great good had resulted from these discussions, and from the propositions that had been submitted to the House with regard to national education. He would not state at length what these results were, because the hon. Member would shortly be enabled to judge for himself; for the information which he anticipated would be the result of a Minister of Education, had been already supplied by the labours of the Inspectors appointed by the Privy Council. The labours of those gentlemen had not been confined to the mere objects of their appointment, but they had attended, by the voluntary invitation of many of the managers, schools throughout the country, and especially in Scotland, from whence they had derived much useful knowledge respecting the improvement of our present system of education. Under the circumstances he hoped his hon. Friend would not press his motion to a division, which, in the present state of the House, could not express the deliberate opinion of the House upon the subject. He hoped, therefore, he would postpone all further general discussion on the question until the information, which was ready to be produced, was laid on the Table of the House. There would be ample opportunity to renew the discussion of the subject on the vote of the estimates for education.

Mr. *Ewart* said he had been anxious to do justice to the efforts of the Inspectors and of the Government. He at once frankly and fully acceded to the proposition of the hon. Gentleman, thinking that although he might have a majority, it would not, under the circumstances express the opinion of the House. He therefore gave notice that when the estimates were brought forward he should move an addition to the paltry grant of 30,000*l.* for educational purposes.

Motion withdrawn.

ADMISSION TO NATIONAL MONUMENTS.] Mr. *Hume* rose to move for the appointment of a Select Committee, to inquire into the present state of the national monuments and works of art in Westminster Abbey, in St. Paul's Cathedral, and in other public edifices; to consider the best means for their protection, and for affording facilities to the public for their inspection, as a means of moral and intellectual improvement for the people. The hon. Gentleman said, that he had the authority of the magistrates, the commissioners of police, and others, to state, that in their opinion the attainment of the object he proposed would be highly beneficial to the community at large. Hitherto a system of exclusion had existed, which, however, had been gradually withdrawn, and his object was to remove it altogether, and to give the masses of the community as much as possible the benefits to be derived from the inspection of those valuable works of art with which this country was enriched. No country in Europe possessed more valuable works of art than England; but hitherto they had been locked up from those who were not sufficiently wealthy to purchase access to them. The advantages that would thus accrue to the people were incalculable. Every work of art would become a source of feeling, reasoning, and thought to them. The desire to visit these exhibitions was daily increasing, in proof of which he would mention, that every day of the year thousands of the poorer classes in the metropolis found their way to Hampton Court, and there enjoyed the pleasure afforded by the highest works of art without fee. He would also mention, that since the Palace had been opened, the people spent the time they had formerly consumed in drinking in the gardens in the examination of the treasures of art which it contained. In one year the number that passed through the Tower at the fee of 6*d.* was 95,000. No damage had been done to any of those institutions which were open to the public. He had framed his motion so that it should extend to other institutions, as well as Westminster Abbey and St. Paul's. He would not name the committee until after Easter, and would select it so as to meet the approbation of both sides of the House.

Mr. *Mackinnon*: It is not very often that I concur in sentiment with the hon. Member for Kilkenny, but when that does take place, I am certain there must be a strong conviction on my mind that he is in the right. The question before us, is, whether or not Westminster Abbey shall be open to the public, which question seems to involve the general principle of opening the cathedral churches in the empire, and therefore the present subject becomes of more importance than the abstract case of opening Westminster Abbey only. Now, Sir, if we entertain any doubt on the expediency of such a measure we may look abroad, and ascertain what is done in foreign countries under similar circumstances; from the result of such an investigation, it will appear, that all the countries of Europe, I may say, of the civilised world, open their churches to the people; and can any reasonable argument be advanced why we should be behind all the other communities in adopting such a custom. When Henry the 3rd in the thirteenth century erected that beautiful structure opposite, did he anticipate that it would be closed to the English people? Did the various sovereigns, prelates, and subjects, who gave up part, if not all, they could spare, to erect those beautiful and magnificent structures which adorn our principal cities, ever imagine they would be kept from the public to secure *2d.* a-head from visitors to the verger or other person in care of the door, and who is usually to be sought for to gain admittance? What must foreigners think of us when they find there is no getting admission in our churches but by giving money. A friend of mine, a foreigner, told me that some time since, he attended divine service at St. Paul's, and after the service, he was desirous of looking at the monuments, and of surveying that edifice, to his surprise he was told he must go away, that he could not be allowed to remain, but he might come the next day. What must strangers think of us, when prevented from seeing St. Paul's, from viewing the monument of Nelson and other heroes there placed, in order that a small sum should be extorted from them at another time? The very manner of admission is disgraceful, at present; you are admitted like a culprit, at a small door, and take your sight of the edifice from the least advantageous point of view. Every Gentleman who hears me is aware, that nearly all cathedrals built since the eleventh century, are formed in the shape of a cross, the upper part of the cross being to the east, and the great entrance being at the same part of the cross from the west. The building, therefore, as intended by the architect, appears in full magnificence when entered from the western door, whence you take a long view of the nave and choir, and part of the northern and southern transept; this view gives the beholder an idea of very great extent, and adds to the magnificence of the whole. The wretched taste, I may almost call it the barbarism of the middle ages, put up screens between the nave and the choir; but our ancestors acted from ignorance in putting up these screens, and might be pardonable, but we act from I know not what to call it, a sort of desire to keep out the public, and extort a few pence, two or four pence, as the case may be, from every individual. Many Gentlemen have, of late, talked eloquently in this House on schools of design for the people, can any thing be more absurd than to require schools of design to promote the arts, at the time you are keeping the people out of the finest works of art in the world? An educated person can scarcely enter into one of our cathedrals without experiencing a sentiment of awe, and a mixed sensation of admiration and wonder; what an effect must the sight of these edifices have on the taste and feelings of the uneducated? Their religious sentiments must be awakened by the sight of these magnificent and stupendous works of art, which, according to Burke's definition of the sublime, have a tendency, when seen by the people, to create that sentiment. Some eminent writer (Lord Kaimes, I believe,) gives his opinion that fine paintings on religious subjects, good sculpture, and striking architecture, influence and improve the religious sentiments of the lower classes, and yet you close the door to the lower classes from all works of art of this description. The more you raise the common people in their own estimation, the better do they behave themselves; of late years, more respect and consideration is shewn towards the lower classes, and a great improvement in their behaviour is perceptible; look at the masses of persons that visit the British Museum, do they do any harm? The only argument that can be brought against the opening of Westminster Abbey is, the risk incurred of the monuments being injured, or the church desecrated by the lower orders, but this does not take place at the British Museum. Is any impropriety of conduct there remarked? Why not open your great western door to the public from ten to six o'clock in summer, one policeman at the door, and two others to walk about and keep order would suffice; what might be the estimate of the whole expense, say 100*l.* a year! and is this so heavy a sum that it cannot be supplied? No doubt the chapter could and would most willingly bear it—if it be observed we have no right to take that sum, why should not the Woods and Forests give 1,000*l.* per annum, and open all the cathedrals in England, the benefits conferred, and the satisfaction given to the population at large, would be worth fifty times that amount. I trust the House will excuse my dwelling so long on this subject. I think it, in my conscience, one of great importance; it will increase religious feeling amongst the lower orders, it will gratify the middle classes of the people, and prevent our being the derision of foreign nations, on a point in which they are far before us in civilization. It may be said, the fee or sum paid for admission is nothing: true, but it takes away from the freedom of enjoyment, I know from myself that if the great western door was open, I should often stroll in, and admire the works of art, now I never think of so doing. Why should not the population of the next century see the monuments without a fee, and with full liberty. Thus the lower, the middle, and the upper orders of society will be benefited by the result. On these grounds, therefore, I will vote for the address. Indeed, I cannot imagine any reasonable ground of opposition to such a measure. One more observation I will make before I sit down; admitting the public into a church only on payment, may tend to desecrate that building in the eyes of the common people, it may seem to them that the sacred edifice is placed on the same footing as a playhouse, or any other place, where an exhibition is given to the community for a certain remuneration.

Mr. *Labouchere* did not rise to oppose the motion, the importance of which he did not deny. It was important, so far as it could be done, to facilitate to all classes of the people the means of seeing works of art throughout the country. The appointment of a committee was, he thought, a judicious mode of proceeding, and he was glad that his hon. Friend had altered the original form of his motion. As the motion was agreed to, he trusted that there would be no further discussion, in order that they might get through the remaining business before the House.

Sir *R. Inglis* had really never heard such an address as that just made in reference to the motion. The speech really was a mode of evasion of the question. As compared to the former one the motion certainly was improved, but when the committee reported on it the difficulties would be as great as they would be upon an address to the Crown, for neither the Crown nor the House had power over the cathedrals and other public buildings of the country. If the former were, however, to be opened, he must confess he should be afraid to expose the national character to the sarcasm of pilgrims, who would find much to remark upon if Westminster Abbey were thrown open as a school of art. He certainly would object to the works of art in that or other buildings of the same character being regarded in the same view as those in the British Museum. If there were a proposal made to remove the works of art now in Westminster Abbey to the British Museum, though as a separate measure, he should decidedly object to it, yet, however repugnant it might be, he would sooner agree to it rather than that the abbey should be regarded as a mere repository of models for artists. In the remarks the hon. Gentleman made about the reduction of the fees for visiting certain buildings, he did not do justice to the facts of the case, so far as Westminster Abbey was concerned. The fees for the admission of visitors to the abbey had been considerably reduced; but it was at the expense of the prebendaries and dean: each of the former had sacrificed 100*l.* a-year, and the latter 200*l.*, amounting in the whole to 1,400*l.* The House should remember that the same power that would open Westminster Abbey and St. Paul's would also open every parish church in the kingdom, and there would be therefore required a very extenstaff of police to exhibit the show, if those officers were to be the keepers. Before he sat down he would direct the attention of her Majesty's Government to the imminent danger in which the cartoons at Hampton court were last week. He understood that probably those paintings might have been destroyed if Mr. Carpue, the eminent surgeon, had not observed the danger they were in. He had no wish to remove the cartoons from their present position to Westminster Abbey or any other place; but he hoped some one of the Ministers present would satisfy the House that sufficient precautions had been adopted to save those, he might say, immortal works, from the risk of being exposed to a danger such as that from which they had escaped. He objected to the motion, yet, seeing the feeling of the House, he did not mean to divide against it.

Lord *Morpeth* said, with respect to the Cartoons his noble Friend the Chief Commissioner of woods and forests had gone to Hampton Court the day before, and he hoped the direction given by him would ensure them againt a recurrence of risk to these great works, of which the loss would be irreparable.

Motion agreed to. Committee to be nominated after the recess.

United States—Mr. M'Leod.] Viscount *Palmerston* observed that his hon. Friend the Member for Kilkenny had a notice on the paper for copies of the correspondence that had taken place between the agents of the government of the United States and her Majesty's Government respecting the destruction of the steam-boat Caroline. He had to request that his hon. Friend would not now press the question on the consideration of the House. He trusted that on the part of both Governments there was an anxious desire that the negotiations respecting this matter should be brought to an amicable and satisfactory determination. But still there were points connected with it which had excited a very strong feeling both in this country and on the other side of the Atlantic; he would therefore put it to the consideration of his hon. Friend whether it would not be advisable at present, while the question was still the subject of communication between the two Governments, to abstain from introducing any motion which must necessarily be followed by a discussion on details that would most likely have the effect of defeating the wish not only of his hon. Friend, but also the desire of the English Government and the government of the States. He hoped, therefore, his hon. Friend would agree to postpone his motion until a later period of the Session, before which time probably the negotiations now pending between the two countries would have come to an issue.

Mr. *Hume* had no objection to acquiesce as his motive for calling for these documents was one of good feeling to the two countries interested. He was against war with any country, but he was particularly opposed to a war with the United States, for such a struggle must be one of a shocking and unnatural character. His motives were for the best, but he would not press them against the wish of the noble Lord, who must act upon better information than he could possibly possess. He would therefore postpone his motion until after the recess, by which time he trusted the noble Lord would be able to communicate to the House information upon this painful subject of a conclusive and satisfactory description.

Motion postponed.

The other orders of the day were then agreed to, and the House adjourned to the 20th instant.

HOUSE OF COMMONS,

Tuesday, April 20, 1841.

Minutes.] New Writ.—For Nottingham Town, *Vice* Sir Ronald Crawfurd Ferguson, Deceased.

Bills. Read a second time:—Dublin Wide Streets.—Read a third time:—Indemnity.

Petitions presented. By Captain A. Duncombe, from places in Nottinghamshire, the Earl of Darlington, from Shropshire, Mr. Kemble, from Croydon, and other places in Surrey, Sir R. Inglis, from several places in Derbyshire, and General Lygon, from Droitwich, for Church Extension.—By Mr. Brotherton, from Baptist Congregations at Manchester, Halesworth, Suffolk, Stamford, and Deeping St. James, Lincolnshire, for the Exemption of Baptists from Compulsory Oaths.—By Sir R. Inglis, from Stoke Newington, Derby and other places, against any further Grants of Public Money to Maynooth College.—By Mr. Fox Maule, and Sir G. Sinclair, from various places in Perthshire, and Lanarkshire, against Church Patronage (Scotland).—By Mr. Hume, from Dunfermline, and other places, against the Corn-laws.—By Mr. Hawes, from Loddiswell, Slanelly, and other places, for the Abolition of Church Rates.—By Mr. T. Duncombe, from Devonport, against the Poor-law Bill; and from Leicester, for the Release of Imprisoned Chartists.

Flogging on the Sabbath — The Earl of Cardigan.] Mr. *Hume*, seeing the Secretary-at-War in his place, begged to ask him whether the statements which had appeared in the public papers were correct, that a soldier of the 11th Hussars had been flogged on Sunday, the 11th inst., and whether there were any regulations at the Horse-guards with respect to military punishments on that day?

Mr. *Macaulay* replied, that, although the discipline of the army was not immediately connected with his department, yet, as he might be supposed to be more connected with the army from the office which he held than other Members of her Majesty's Government, he had felt it to be his duty, in anticipation of any questions being put to him, to obtain such information as would enable him to give an answer. With respect to this case, the facts were not precisely as they had been stated in the public prints. It was not the case that the punishment had been inflicted on the soldier under such circumstances as if it were a continuance of divine service. It was not the case that the troops were kept in the place where divine worship was performed, for the purpose of seeing this punishment inflicted, nor was it the case that the soldiers of another regiment, which attended divine worship at the same place, were detained for this purpose. He was assured that the soldiers of the 11th regiment were marched out of the riding school, and the other regiment was marched to its quarters. The former regiment was then inspected for about half-an-hour, and then marched back to the riding-school, where the punishment was inflicted. On the ground of a want of humanity, he believed that no one could throw a charge on the officer commanding this regiment. As long as they retained corporal punishment for the preservation of the discipline of the army, the offence of which the soldier who underwent the punishment was guilty, was one for which it should be inflicted. Whatever other imputations there might be cast on Lord Cardigan, a disposition for the infliction of corporal punishment was not one which could justly be thrown on him. From inquiries which he had made, he had found that since 1839, up to the recent case, there was not an instance of the infliction of corporal punishment in this regiment. The charge, however, for which he was justly liable to public censure, was the immediate infliction of punishment on a Sunday after divine service. Such a proceeding was clearly contrary to the religious feelings and habits of the people of this country, and could not be reconciled with either good sense or good feeling. Under such circumstance, he (Mr. Macaulay) never could appear as the advocate of such proceedings. The case, however, was not peculiar, as similar instances had occurred in the army, as well as in the other branches of the service; but all the officers he had consulted on the subject, distinctly stated that such a proceeding could only be justified under circumstances of extreme exigency. Such notice, however, had been taken of this proceeding, and such further notice would be taken, as to render it impossible that a recurrence of it could take place.

PARLIAMENTARY VOTERS — IRELAND.] Sir *R. Peel*, seeing the noble Lord, the Secretary for Ireland, in his place, and observing that the noble Lord, the Secretary for the Colonies, was absent, wished to ask whether it were intended, according to the promise of the noble Lord, to inform the House this evening what course the Government meant to take on Monday night next, in respect to the Parliamentary Voters' Bill, (Ireland.)

Lord *Morpeth* said, that in the absence of his noble Friend (Lord John Russell) he was unable to give an answer as to the views of the Government, to which his noble Friend's statement had reference. He could only say, at present, that it was his intention to proceed with the Bill. Whatever modifications of particular clauses he might think it right to introduce, he should explain to the House tomorrow or Thursday.

COUNTY COURTS.] Sir *E. Sugden* asked, was it intended to proceed on Thursday with the Counties' Courts Bill?

Mr. *Fox Maule* said it was so. The bill would be proceeded with, and several modifications would be proposed, at the suggestion of gentlemen of both sides of the House, who had taken great interest in the measure, and to whose attention he was much indebted.

REGENT'S PARK.] Mr. *Ewart* rose to move an address to the Crown for opening the Regent's Park to the public. The hon. Member said the object he had in view was to increase the sources of rational amusements which were now enjoyed by the inhabitants of the metropolis. At present the Park was open from Portland-place almost in a direct line to the Zoological Gardens; but if hon. Members had extended their vision beyond the walks, they could not have failed to have observed that there was about twice as large a portion from which the public were excluded. His object was to throw open that further portion. It had been stated as an objection that certain clauses in the leases of the villas would exclude the public from that portion of the park. He had consulted the best authorities, namely the lessees under those leases, and they had informed him that there was no such reserving clause. It had next been stated, that if there was no special clause, there was an understanding with the lessees. He protested against the House being bound by anything which did not appear in the lease. Therefore he believed that there was no legal claim that was valid against his motion— on the other hand immense public benefit would attend the accomplishment of the object of his motion. The population around the park had of late, and was, greatly increasing, and the boon he sought would be to them of immense value, and would be attended with no detriment to any one individual. He understood that the Government had very wisely made an arrangement which would retain Primrose Hill—that classical spot to all the citizens of London—for the use of the public—that was an additional argument in favour of his motion for the portion of the park he wished to have thrown open was the direct road to that spot to all coming from the City. He would ask why the public should be shut out from the Regent's Park any more than from Hyde Park? However, he did not think it was necessary for him to say more in favour of his motion, the *onus probandi* lay upon the Government to show why the park should not be opened. He would therefore conclude by moving,

> "That an humble address be presented to her Majesty, praying that she will be graciously pleased to take into her consideration the advantage which would accrue to the public, from throwing open to the public the remainder of the Regent's Park."

Mr. *E. J. Stanley* said, in reply to the observations of the hon. Gentleman, he could assure the House that there was no one at all times more anxious to do everything for the public accommodation than the noble Lord at the head of this department. It must be well known to the hon. Member that a large portion of the park was leased to different persons, portions of it to the Toxopholite and other societies, and with respect to other portions, they had been let off to persons who had expended considerable sums of money on them, and who had entered into engagements with the Commissioners of Woods and Forests, by which they were guaranteed against the intrusion of the public, and similar inconveniences. There was one portion of the park, however, which he agreed with his hon. Friend might be extended to the public. It was that tract of ground which extended from the gravel walk, which had been lately made, towards Macclesfield-bridge. But at the same time he thought it impossible, without a large body of police, and a great deal more expense than it was desirable to incur, to give the public access to those parts in the neighbourhood of the water and the villas he had already mentioned. His noble Friend would do all he could to give access to the public, and he therefore trusted the hon. Gentleman would not press his motion.

Mr. *Hume* thought the hon. Gentleman (Mr. Stanley) could not have understood the motion, because the part which he stated as about to be opened had been open a considerable time. The part the public were anxious for was that immediately east of Cornwall-terrace. He understood that the large space from the Marquis of Hertford's house to the Zoological Gardens was not leased at present, and therefore there was no reason why it should not be open to the public. He wished to know whether any measure had been taken for affording similar accommodation to the public at the north-east and east of the City of London Unless the opportunity were now taken i. would be altogether lost, and the population would become so dense that, without such accommodation, it would be most unhealthy to live in the neighbourhood.

Lord *Teignmouth* said, that out of 286 acres in the park, 200 might be opened to the public, and certainly he had not heard any good reason why they should not be so applied. The only argument that he had heard against opening the whole was that the indulgence might be abused, but he thought that it would not be difficult or expensive to prevent such abuse.

Sir *B. Hall* said, that he had seconded the motion of his hon. Friend the Member for Wigan, but he should, nevertheless, request of him not to take the sense of the House upon the subject, as he had received a guarantee from the Government that almost the whole of the park should be opened for the use and gratification of the public.

Sir *R. Inglis* so seldom agreed with the hon. Member for Kilkenny, that he was happy to express his entire concurrence in the observations which he had made with reference to the formation of a park in the eastern extremity of London. He was not one who attached any importance to parks as forming moral character; but he did feel that they were sources of rational enjoyment, and means of promoting the public health. He trusted that if any other Member of her Majesty's Government should address the House on this subject, he would be able to state what were the views they entertained, and how they proposed to carry out the recommendations of the committee which had been appointed to inquire into the subject.

Sir *De Lacy Evans* thought it was high time the park should be opened to the public, to whom his hon. Friend had rendered a useful service by bringing the subject under the notice of the House.

Mr. *E. J. Stanley* thought the hon. Baronet the Member for Marylebone went too far, and he was not empowered to state that the whole of the Regent's Park, from the water to the Zoological Gardens, would be thrown open to the public. It was the intention of his noble Friend to throw open a portion of the grass-land between Lord Hertford's villa and the Zoological Gardens; but objections were entertained to opening the park as far as the water at present.

Mr. *Wakley* was much obliged to the hon. Member for Wigan for bringing forward the motion, but he thought they were treating the question more lightly than it deserved. The right hon. Baronet who had just sat down had pointed out the importance of forming a park in the eastern part of the town, but he had forgotten to say a word on the question before the House. He had not said a word about a park of which the people were the owners, and from which they were shut out. He thought they ought to give the people a place to which they were entitled before they devised means of creating other parks. It was a serious ground of complaint that the people had been for some time excluded from the greater portion of the Regent's-park. The noble Lord opposite had stated that that park had been originally Marylebone fields, and that it had been enclosed in order to fit it for the reception of the people, but since these villas had been erected, certain favoured individuals had obtained leases, and were not to be disturbed. It was clear, from the tone in which the hon. Under-Secretary of the Treasury had spoken, that some obstacles still existed to making the Regent's-park what Hyde-park at present was, where the public could enjoy themselves over every part of it. He hoped that the conversation would not be allowed to drop without any result, but that the enormous evil would be redressed. It was quite monstrous that the fastidious feelings of a few persons who rented dwellings round the park should be consulted so far as to exclude the real owners of the property.

Mr. *Ewart* said, that before he took that step with which he intended to conclude, he wished to obtain from the Government some more explicit statement as to what their views and intentions were. He could not feel that he had satisfactorily performed his duty without obtaining a clear understanding on the subject. There were 200 acres of the park from which the public were now excluded; the object of his motion was to have that space thrown open, and unless there were some clear understanding upon that point he should certainly feel it his duty to take the sense of the House.

Mr. *E. J. Stanley* said, he could not state fully and precisely at that moment what might be the views of the head of the department to which the matter belonged, but he really thought the best course would be to leave the subject for the present in the hands of his noble Friend, and if the measures which he took did not prove satisfactory, it would of course be open to the hon. Member for Wigan to bring forward any motion upon the subject which he thought proper at any future time.

Motion withdrawn.

ARMS (IRELAND).] Viscount *Morpeth* moved the second reading of the Arms (Ireland) Bill.

Mr. *Hume* thought the time had now arrived for putting an end to such bills as the present. They might be all very well in times of anarchy and confusion, but as Ireland was now more free from crime than England he thought there was no necessity for them now. We ought to place confidence in men who behaved well.

Viscount *Morpeth* believed that the statement of the hon. Gentleman, with respect to the proportion of crime between the two countries, was correct; but at the same time offences of such a nature were still committed in that country, that he could not recommend to the House to dispense with the renewal of these bills at present.

Bills read a second time.

CIVIL CONTINGENCIES.] Colonel *Sibthorp* inquired when the civil contingencies and the miscellaneous estimates would be laid on the Table of the House. They had been promised before the recess, and had they been delivered there would have been time for their proper examination. It had been stated by the press that he had been at Nottingham assisting Mr. Walter, whereas he had not left London during the recess, and he wished to have studied the papers. He should oppose the grant to Dr. Bowring.

Mr. *Gordon* said that the estimates would be ready to day or to-morrow. This was the usual time for laying them on the Table of the House.

Adjourned.

HOUSE OF LORDS,

Thursday, April 22, 1841.

MINUTES.] Bills. Read a first time:—Indemnity; Double Costs; South Australia.

Petitions presented. By the Marquess of Normanby, from Hackney, Manchester, Birmingham, and other places, for the Drainage Bill; and from Birmingham, for the Jews Declaration Bill.—By the Marquess of Westmeath, and the Marquess of Lansdowne, from the Presbyteries of Athlone, Belfast, and other places, for Non-Intrusion.—By the Marquess of Lansdowne, from the Ratepayers of Salop, for the Removal of the Tolls on the Bridges.

CRIMES (IRELAND)—EXPLANATION.] The Earl of *Charleville* said, that seeing the noble Marquess, the Secretary for the Home Department, in his place, he begged leave to trespass for a few moments on their Lordships' attention, with reference to a matter of a personal nature. It had always been the habit of their Lordships' House, when any Member of it was labouring under an unjust imputation, to allow the individual thus situated to take the earliest opportunity of clearing himself from the charge. Therefore it was, that he felt it necessary to come forward on this occasion. It would be in the recollection of their Lordships, that previous to the recess, he had made a motion in that House, relative to the criminal calendar at the last Lent assizes for the King's County. On that occasion, the noble Marquess thought proper, acting on the information which had reached him, to give a very strong contradiction to certain statements, which he (the Earl of Charleville), had made to their Lordships. The noble Marquess thought it to be his duty to say:—

> "That he (the Earl of Charleville) had not taken those pains to inform himself on the subject which he had presumed to bring under their Lordships' consideration, which he ought to have done."

And the noble Marquess further stated:

> "That if he (the Earl of Charleville) had so inquired, he would have found, that Mr. Biddulph was perfectly satisfied with the jury which had been empannelled to try the persons charged with having attempted to murder him.".

The noble Marquess said, that Mr. Biddulph had not only expressed his satisfaction, but declared his entire confidence in the fairness and impartiality of the jury, that were empannelled on that occasion. The noble Marquess had then alluded to the trial of Hughes at Armagh, and of Gray, at Monaghan, and stated, that with reference to the empannelling of the jury, the same course was adopted in both these cases; and that the next of kin, had on their trial, expressed their satisfaction and confidence in the juries so empannelled. He recollected perfectly well that the noble Marquess said on that occasion, that:—

> "The noble Earl had, in making his statements, left out of view the declaration of Mr. Biddulph himself, that the panel was a fair and impartial one, and that the Solicitor-general concurred in that opinion, observing, that a more impartial jury could not have been sworn. Mr. Biddulph (the noble Marquess continued) observed, that if fifty or sixty names had been struck off the panel, enough would have still remained to constitute a fair and impartial jury; and he was perfectly satisfied, that the jury would give a verdict according to the evidence."

It was not for him to conjecture how this information had reached the noble Marquess; but, in consequence of that statement, Mr. Biddulph, whom he did not know until the attempt was made on his life, had written to him on the subject. Mr. Biddulph was, he believed, considered a Conservative in politics; but, whatever his political opinions were, he was so little of a partisan, that he had voted at the last election for Fitzsimon and Westenra, so that it was clear, that he was by no means violent in his politics.

That gentleman, considering, that a very unfair attack had been made on him (the Earl of Charleville), had thought proper to address a letter to him, which he should now read. The noble Earl then read the letter, in which Mr. Biddulph said:—

"That he had read with much attention the statement of the noble Earl, and the answer of the Marquess of Normanby, and the latter was by no means correct, let it emanate from what quarter it might. He had objected to a person on the jury; but he was told, that the ground of his objection was not substantial, because he only acted on rumour, and not on positive knowledge. He had never expressed an opinion, that the jury was a fair and impartial one; for he felt, that they would never agree; but he said, that a better jury could not be formed out of the persons who remained, those whom he considered fair and impartial being exhausted, thus leaving him without an alternative."

He had also received a letter from Mr. Quin, in which it was stated, that the law officer of the Crown had refused to object to a juror, of the name of Collins, (who was a man of very bad character) upon the trial of certain persons, accused of the murder of a man named Powell, who was in the employ of Mr. Quin, at the time of the murder. The writer stated:—

"That neither he, nor the next of kin of the deceased, had approved of the jury empanelled on that occasion."

He had also received a communication from Mr. Parker, who was present at the trial of Gray, at the Monaghan assizes, who stated:—

"That the challenges made by the Crown on that occasion were far more extensive than those made by the Crown, on the trial of Hughes, at Armagh. In the former case, many persons, who were not publicans, were challenged."

The writer concluded by saying:—

"We are obliged to you, for exposing the manner in which juries are formed."

The noble Marquess, in the course of his reply, had charged him with having employed a person of most infamous character to collect information on the occasion of the murder of Lord Norbury. In answer to that, he would say, that he was informed by Mr. Macdonald, to whom he had applied on the subject, that Sergeant Goulding, the individual alluded to by the noble Marquess, had been seventeen years in the service. If, therefore, any charge was made, with respect to his being an improper person to serve in the constabulary force, it must apply to those who appointed him to the situation, and not to him, who knew nothing of the character of the man, when he employed him. His reason for so employing him, was because he resided in the district, and was well acquainted with it. Captain Crawford, to whom he had written relative to the man, stated in answer:—

"That, during his service of seventeen years Goulding had been promoted from one step to another; and this he could say, that while he was connected with the constabulary force in the King's County, he considered the conduct of Goulding to be good, and that he performed his functions satisfactorily."

Having thus vindicated himself from the charge of the noble Marquess by stating these facts, he would leave it to the noble Marquess to offer any explanation which he might think necessary.

The Marquess of *Normanby* had nothing to add to his former explanation on this subject. He had not stated anything upon vague information, but had actually read the words of Mr. Moore, the Solictor-general, and of Mr. Dale, the Crown-Solicitor, with regard to the empannelling of the jury. In their statements there was not the slightest allusion to what was subsequently brought forward by the noble Earl. He would have brought down the letters of those gentlemen if the noble Earl had given him notice that he intended again to introduce the subject; but he could state, from his own recollection, that they were of opinion that the panel was perfectly correct in Mr. Biddulph's case. The letters contained no statement that the respectable part of the panel had been exhausted, and the law officers declared that at the time the parties, so far as they knew, gave to the jury their most unqualified approbation. One of them was challenged by Mr. Biddulph, merely because he did not like the individual; but he gave no reason for the challenge. With respect to what was said by Mr. Parker it should be observed that he did not state that the same number of challenges was made at Armagh and at Monaghan. It was not in his power to make such a statement. But Mr. Hamilton, the law officer of the Crown, stated that the same system was pursued in each instance. He had admitted distinctly, at the time, that there were more challenges at Monaghan than at Armagh. At Armagh the challenges were only two or three, while at Monaghan they were nine or ten. With respect to Goulding, he had not said that at the time of the murder of Lord Norbury the noble Earl who employed the man to seek for information knew that he was a bad character. His observation was, that the noble Earl having, at the time, employed a person who afterwards turned out to be an infamous character, it was somewhat too much for the noble Earl to found a charge against the Government on statements derived from such a source.

The Earl of *Charleville.*—The noble Marquess accused me of having knowingly employed a man of bad character.

The Marquess of *Normanby* assurred the House that he did not intend to convey any such charge. The man was found to be a perjurer, and otherwise a bad character, and he thought, when the noble Earl was acquainted with the fact, it ought to have made him a little distrustful of information coming from such a suspicious quarter.

The Earl of *Wicklow* said, that he was one of the few who had sat through the debate which took place before the holidays. He then thought that the statement of his noble Friend was a very able and a very dispassionate one, and also that the reply to it by the noble Marquess was very satisfactory. But that reply was entirely founded on the statements which it contained, and if those statements were shown to be inaccurate, the reply would of course lack all its value and its force. Now, these statements had been seriously impugned by persons whose knowledge on the subject could not be doubted—nay, had been plainly and directly contradicted, and it was the bounden duty of the noble Marquess to establish the accuracy of his own account and to overturn the facts as stated in the letter read to their Lordships that evening. This he had not yet done; and, in fact, the speech attempting to do so, which they had just heard, was, in his opinion, very unsatisfactory. The charge brought against the Government was a serious one—of having laid down a system with regard to the administration of justice, from which, under peculiar circumstances, and in a case where political prejudice was supposed to be the motive of thei conduct, they had entirely deviated. It was the duty of the noble Marquess to give every information in his power, and to inform the House whether the reports of the law officers were accurate, or whether they had given a false account of their conduct to the Executive Government. The answer of the noble Marquess to the charges brought forward by his noble Friend had been, he had thought at the time, quite satisfactory; but now those statements contained in that answer were disputed, on which its whole value depended, his reply was quite the contrary.

The Marquess of *Westmeath* observed, that his noble Friend had only done his duty in bringing forward this statement, although the strongest imputation of motives had been indulged against him. It would be well worth the Prime Minister's while, if his subordinates were ignorant of the true state of Ireland, and the real danger incurred by the gentlemen who lived in that country, to reconsider those principles which the noble Marquess had so triumphantly asserted ought to guide her Majesty's Government in Ireland. For what, he would ask, was the privilege of challenging jurors given to the Crown? Was it that, by suspending it on particular occasions, they might administer to the appetite for a low and vulgar popularity. The conduct of the officers of the Crown was calculated to sacrifice the lives of those gentlemen, who, with himself and his noble Friend, had the moral courage to uphold the institutions of the country. His noble Friend was not a pensioner upon the public, nor a political adventurer, but a gentleman of ample fortune who had a good house to receive his friends in, and had the good sense to live in it. Though his noble Friend had merely called their Lordships' attention to an extraordinary deviation from the ordinary course with regard to challenges, he had been most unjustly charged with interfering with the due administration of justice.

The Earl of *Charleville*, in reply, stated that which he had before mentioned to their Lordships, that Goulding had never given him any information. With regard to his character, the only charge against him was, that he had been flogged in the army twenty-seven years ago, but since that time he had served for seven years in the constabulary, and had retired at his own request. The only way in which he had employed him was to gain information respecting the murder of Lord Norbury, and he had done so because he alone could efficiently perform that duty.

The Marquess of *Normanby* said, that he should certainly make inquiries as to the correctness of the reports from which he had gained his information respecting the cases of Biddulph and Grey, and with regard to Goulding, he had called him a person of infamous character, not because he had been flogged in the army twenty-four years ago, but in consequence of conduct which he had pursued long subsequent to that period. In the absence of precise information he would not admit that there was any difference between the modes of challenging jurors in the King's county, in Armagh, and Monaghan. He knew that they were the same in the two latter, and he had every reason to believe that it was the same in all three.

The Earl of *Charleville* said, that he was at direct issue with the noble Marquess upon these two points. The noble Marquess admitted, that in Armagh none were set aside by the Crown except publicans, while in Monaghan there were others. Mr. O'Loghlen's instructions were, that without cause none but publicans should be set aside. His statement was, that it had been so in Armagh, but that in Monaghan others besides publicans had been ordered to stand aside, and that the rule had also been violated in the King's county.

The Marquess of *Normanby* contended that the plan laid down for the guidance of the Crown solicitor's conduct was the same in all cases, and that he would have challenged the same persons in any other county, for the same cause, if it existed.

Subject dropped.

BIRMINGHAM RIOTS.] The Earl of *Warwick* presented a petition from Atherstone, in the county of Warwick, praying that the hundred in which it was placed might not be assessed to make good the damages done at the riots at Birmingham in the year 1839. The noble Earl stated, that he had before presented a similar petition, and that he thought the case was one of peculiar hardship. Atherstone, which was thirty miles from Birmingham, received no advantage whatever from that town, and, therefore, he thought it was most unjust that it should be assessed in the way which was proposed. He trusted that the noble Marquess opposite would give the subject his best consideration.

The Marquess of *Normanby* said, that he had seen a deputation from the county of Warwick on the subject some time ago, and he was prepared to admit, that the case was one of some hardship; but as the law was general it was very difficult to apply a particular remedy in this case. He could only assure the noble Earl that he would give the subject the best consideration.

Adjourned.

HOUSE OF COMMONS,

Thursday, April 22, 1841.

MINUTES.] Bills. Read a second time:—Factories; Silk Factories.

Petitions presented. By Mr. Elliot, from Kelso, and its vicinity, for the Separation of Church and State.—By Mr. T. Duncombe, from Labourers of the Metropolis, and from the National Association of Lambeth, for the Liberation of Political Prisoners; and from two Polish Refugees, complaining that the Bounty of this country had been illegally withheld from them.—By Mr. L. Hodges, from Maidstone, Mr. R. Currey, from Northampton, and Mr. Hume, from Brentford, for the Abolition of Church Rates, and Ecclesiastical Courts.—By Mr. Hume, from Irishmen, inhabitants of Manchester, for an Alteration in the Poor-law to enable them to obtain Relief in England.—By Mr. Easthope, from Newport, Waltham Abbey, and other places, for the Abolition of Church Rates.—By Sir C. Coote, from Medical Practitioners of the King's County, for Medical Reform.—By Mr. Muntz, from Birmingham, to Alter the Tariff, and against the County Courts Bill.—By Mr. H. Berkeley, from South Australia, against the appropriation of the Land Fund to other purposes than Emigration.—By Sir G. Clerk, from Stamford, and places in Rutland, for Church Extension.—By Mr. Hawes, from a Dissenting Congregation, against Church Rates, and Church Extension.—By Viscount Morpeth, from Working People in the county of York, for the Repeal of the Corn-laws; from the Protestant Dissenters of Zion Chapel, Wakefield, for the Abolition of Church Rates; and from the Royal College of Surgeons, Ireland, against placing the Medical Institutions of Ireland under Poor-law Commissioners.—By Viscount Sandon, from the Leeds Philosophical and Literary Society, for Relief from Taxation.—By Mr. Villiers, Mr. Thornely, and Colonel Salwey, from Bermondsey, St. Paul's, Bethnal-green, and other Districts of the Metropolis, and from the West Riding of Yorkshire, for the Repeal of the Corn-laws.—By Mr. E. Buller, from Buckingham, for Church Extension.—By Mr. O'Connell, from English Catholics, in favour of the Grant to Maynooth; from Manchester, against the Corn-laws; and from a place in Scotland, against Distilled Liquors except for Medicinal or Manufacturing purposes.—By the Attorney-general, from the Lord Provost and Council of the city of Edinburgh, praying that that City may be Exempted from the Scotch Boroughs Bill.—By Mr. Brotherton, from Salford, for the Revision of the Tariff.

PARLIAMENTARY VOTERS (IRELAND).] Viscount *Morpeth* had to state, that the only alteration of any material character which he intended to propose in committee on the Parliamentary Voters (Ireland) Bill, was to raise the amount of rating which was to confer the elective franchise for counties from 5*l*. to 8*l*.

Mr. *C. Wood* wished to know whether it were intended to produce the information which he had suggested ought to be laid before the House respecting the number of persons now entitled to vote in Ireland, the voters being classified according to the nature of their respective qualifications, and the returns showing the numbers in each class. They might not be able to obtain this information as regarded the whole of Ireland, but they ought to be furnished with it to such extent as was practicable before they proceeded to legislate on the measure to which his noble Friend had just adverted. It seemed to him that they would be proceeding in the dark if they came to a determination as to the amount of the rate without this information. He wanted to know if it was to be procured, and when?

Viscount *Morpeth* said, that instructions had been forwarded to the office of the Poor-law commission in Ireland to furnish this information, and great stress had been laid on the expediency of its being communicated to the House without delay. It had not reached his hands, but he begged to say, that it should be presented to the House without a moment's unnecessary delay.

FLOGGING ON THE SABBATH.—THE EARL OF CARDIGAN.] Mr. *Hawes* gave notice, that to-morrow he should move for a return of the number of instances of corporal punishment which had been inflicted on a Sunday in the British Army during the last ten years. He begged to ask the right hon. Gentleman the Secretary-at-War whether there had been any infliction of corporal punishment under circumstances similar to those that had taken place in the recent punishment of a soldier of the 11th Hussars, under the command of the Earl of Cardigan.

Mr. *Macaulay* said, he was much obliged to his hon. Friend for asking this question, and for giving him an opportunity of setting right a misunderstanding with regard to what he stated on a previous night. It had been stated that he had said that there were precedents for the conduct followed—he must say most improperly and culpably—by Lord Cardigan, in flogging a soldier on a Sunday. What he had stated was this, that having inquired of officers of great standing and experience in the service, he had learned from them that there were precedents of punishments having been inflicted on a Sunday, but not precedents which bore out the conduct of Lord Cardigan, because they had stated that such punishments were never justifiably inflicted except in cases of military exigency, and on march, when there was no choice. But the Sunday punishments did not bear out the conduct of Lord Cardigan, and he had distinctly stated that the punishment in the particular case alluded to, might without the smallest inconvenience, have been postponed till next day. This information would probably meet the views of his hon. Friend. He was not aware that such a return would afford an instance of a similar kind; and his own belief was, that for the last ten years there were no instances of punishments having been inflicted on a Sunday except in cases of great disorder occurring on a march or other exigency.

Sir *H. Hardinge* begged to state that he had understood the hon. Secretary-at-War in the sense that he had explained; and that, on the whole, his explanation was perfectly satisfactory.

MR. CANDLISH—BIBLICAL CRITICISM (EDINBURGH).] Sir *G. Sinclair* wished to repeat a question he had put the other night to the hon. the Under Secretary of State, which he thought might have been answered, though he had not given any notice. He begged leave to ask whether her Majesty's Ministers did or did not appoint Mr. Candlish, of Edinburgh, to be Professor of Biblical Criticism for the University of Edinburgh, and whether that appointment had since been cancelled, and if so, on what grounds.

Mr. *Fox Maule* said, if he had had to complain the other evening that the hon. Gentleman had asked him a question without any notice, he thought that that hon. Gentleman had been more uncourteous now; for the hon. Gentleman had asked him a question on Wednesday night totally and entirely distinct from the question he had asked to-night, and of which the hon. Member had not given any notice. If the House would permit him, he would simply state the facts of this case to the House, and the position in which it at present rested. The noble Lord the Secretary of State, and her Majesty's Government, had been most anxious, on the occurrence of vacancies in the deanery of the Chapel Royal, to make those vacancies efficient for the purposes of education in Scotland, instead of continuing them as formerly under the name of prizes in the church, and giving them to the distinguished members in the church. The first vacancy was given to Dr. Lee, the principal of the University of Edinburgh, which was an endowment to that Chair, which met of course with general approbation. On the next vacancy occurring, his noble Friend the Secretary of State, had consulted how it was best to bestow it in a similar manner; and having referred to the report of the commissioners appointed by the right hon. Gentleman opposite (Sir. R. Peel) to inquire into the state of the universities in Scotland, he found there that these commissioners had unanimously recommended that there should be established in the University of Edinburgh a professorship of biblical criticism. In order to endow that chair his noble Friend had considered this a fair opportnity, and selected Mr. Candlish for that appointment, who, whatever remarks might otherwise be made on him, on all hands must be acknowledged to be the best fitted by talents and theological learning in that particular branch for the discharge of the duties of such a chair. Before the appointment took place, and before any communication had been made on the authority of her Majesty's Government to Mr. Candlish, that the appointment was to take place, Mr. Candlish had, in the face of an interdict, performed certain duties in one of those seven parishes of Scotland to which attention had been so painfully directed. It was quite true, that the interdict was of more than twelve months' standing, and that it was not directed against Mr. Candlish himself, but against the general body of the Assembly, and that it had been broken by several eminent ministers. The parties who had obtained that interdict had obtained it *ex parte*, and in the absence of those against whom it was directed, and had not had the manliness to apply to the Court of Session to bring the matter to an issue. Under these circumstances, it would scarcely be expected, that his noble Friend should proceed in Mr. Candlish's appointment as the Regius Professor of the University; and until the further proceedings in this case should be known, it could not be expected that his noble Friend would make any declaration whatever as to his further intentions. It was sufficient to say, that all further proceedings in this matter were at present put a stop to.

THE WAR IN CHINA.] Sir *Robert Peel* wished to know whether any official accounts had been received of an action in Canton river, in which some lives had been lost; and if so, why they had not appeared as usual in the *Gazette?*

Lord *John Russell* said, there had been accounts received through India of such an action, but official accounts of such an action had not been received. There had been accounts received from which persons appeared to be missing, and when the official accounts were received, they would of course be printed.

NEW SOUTH WALES.] Mr. *Grote* rose to bring forward the resolutions of which he had given notice, on the subject of the colony of New South Wales. The subject was the same in which he had had the honour to address the House on the 25th of last month, and it would be in the recollection of hon. Gentlemen that the sitting of the House in that colony had been brought to an unexpected termination before he had had an opportunity of bringing to a close the statements he had to make respecting the colony. He should, therefore, entreat the House to bear with him while he related the main features of the case. The resolutions he was about to propose were the same as he had then brought forward, and there was merely a slight alteration in the last to get rid of an objection in point of form. It appeared, that for the last few years, since 1835, a heavy charge had been imposed upon the colony of New South Wales, the colony having the entire and undivided charge of the gaols and police of the settlement. Up to that time the revenue had been fully adequate to meet the demands of the colony, but since then the ordinary revenue had been considerably diminished, insomuch that recourse had been had to trespassing on the land and emigration fund, which had been already pledged and consecrated to other purposes. The colonists thought that a case of extreme hardship and injustice. It should be remembered, that this was originally a penal colony, and that it still retained marks of its origin, although it was daily assuming a more wholesome character. He knew it was common to say, that although there was a great number of convicts, a large portion of them were assigned to private masters, and it was assumed, that the whole benefit of these assignments was on the side of the colony; but instead of this being the case, a sum of from three to four hundred thousand pounds a year accrued to this country from these assignments. Mr. Secretary Rice, in 1835, had estimated the expense of the colony at 25,000*l*., but it now amounted to more than four times that sum—it was above 100,000*l*. Was not that fact enough to call upon the House to reconsider the whole subject. Had the Government been aware of the state of the gaols at that period, they would have hesitated before they altogether liberated the Imperial treasury, and threw the colony upon its own resources. That the colony had increased in wealth and population, since that period, was no valid reason for imposing upon it such heavy charges. When they considered that one-third of the population of New South Wales consisted, in 1835, of convicts sent from this country, it must appear obviously unfair and unjust to call on the free colonists to maintain, without assistance from the mother country, the whole expense of gaols and police which that criminal population rendered necessary. This was sufficiently unjust, but when the funds for this purpose were taken out of the means of providing regular emigration, the evil was very much heightened. It was impossible to exaggerate the importance of emigration to the colony. It was doubly important at the present moment, because, owing to the discontinuance of transportation (a measure of which he by no means disapproved), the supply of labour to the colony was shortened, and therefore it was more than usually incumbent on the Government to maintain unimpaired all the means which existed for the encouragement of emigration. Putting an end to emigration diminished the resources of the colony, and this undoubtedly aggravated the causes of complaint. A sum of 260,000*l*. was taken from what was properly the emigration fund, and applied to the expenses of police and gaols. This was an injury not merely to New South Wales, but the poorer classes of the United Kingdom. It was taking away the means of assisting labouring men, who could find no employment in this country to go to another part of her Majesty's dominions where labour had a ready market, and every industrious man could command ample means of subsistence. Injustice had been done to the labouring classes at home—for those to whom emigration would be most beneficial had not the means of going to the colony themselves, and could only get there by assistance from some public fund. Every 10,000*l*. that had been withdrawn from the emigration fund deprived 600 of these poor persons of the immense advantages which emigration would confer on them. It was their interest to go out, and it was the interest of the colony to receive, for the two interests were happily blended. There was abundant evidence to show the want of labourers in the colony, and the ready employment and ample wages which emigrants received. The manner in which the proceeds arising from the sale of waste lands were disposed of, did not concern New South Wales alone, but all our colonies. In all there was waste land, and its value would depend on the application which was to be made of the purchase money. Men could readily buy land, and pay a high price for it, when they knew that they were in fact subscribing to a fund for providing themselves with labourers. The sale of lands in this colony had realised an amount which astonished every one, only because it was distinctly understood by the purchasers that the proceeds would be applied to sending out labourers. If hon. Gentlemen would take the trouble to examine the documents connected with the state of New South Wales, they would find that the colonies were suffering greatly from the want of labour. The hon. Gentleman referred to a debate which took place in the Legislative Council of New South Wales in October last, in which resolutions were passed stating the deficiency of labour and the injurious effect which it had upon the interests of the colony. The fourth resolution which he would read to the House, was to the following effect:—

> Resolved, "That this Council equally concurs with their Committee, that every department of industry is cramped, and that no undertaking, public or private, can be prosecuted except at great disadvantage, in consequence of the exorbitant rate of wages and the difficulty of procuring mechanics, workmen, or servants, especially shepherds, upon any terms whatsoever; and this Council cannot

but view with apprehension the check which must be given to the advancing prosperity of the colony, unless the urgent demand for labour which exists in every part of the colony be promptly and effectually supplied."

It could not be denied, that the value of waste land in our colonies depended, in a great degree, on the use that the Government made of the proceeds of the sales of land; and, therefore, by confining the produce to emigration, a new property would be created which otherwise would have no existence. After the various declarations that had been made by the different colonial secretaries, the colony never could have expected that the Government would seek to exonerate the British Treasury from the expence of the police establishment. It was true, that the land sales and emigration had greatly increased, and two new settlements had been established in the last year, namely Port Philip and Portland Bay, and Sir George Gipps had stated, that an acre of land near one of the towns would bring as much as 500*l.* But the land sales could not continue unless the purchaser could procure emigrants to work. Several Ministers had given assurances which contributed to produce this impression. In 1831, Lord Howick wrote that it was the opinion of Lord Goderich that the land fund ought not to be considered as part of the ordinary revenue of the colony, but as capital to be invested in some way which would produce a return. In 1836 and 1837, Lord Glenelg distinctly declared, that the land fund should be applied to emigration. It was impossible for parties about to purchase land in the colony not to rely on these assurances, and on the faith of them they invested their capital in land. It was, in the highest degree, unjust, to violate that arrangement and apply the fund to a different purpose. He thought that both justice and reason required that the Imperial Treasury should bear half the expenses of the police, which now fell undivided upon the colony. He had thus endeavoured to enforce on the House the well-founded complaint of the colonists; but all that he required by the resolutions which he was about to submit to the House was the admission that those complaints were well-founded, that injustice had been done to the colonists, and the House considered it a fit subject for inquiry. He did not think that the House could do less than acquiesce in the resolution that a great hardship had been inflicted, and that a remedy was required, and with this feeling he should leave the question with confidence in their hands. The hon. Gentleman moved the following resolutions:—

I. "That it appears that, in October, 1840, the following resolutions were passed by the Governor and Legislative Council of New South Wales:—

"'1. That in the opinion of this Council, the parent State, indisputably deriving a direct pecuniary saving (independently of other advantages) from the assignment of convicts to private service in New South Wales, and its interests being at all events in an equal if not a superior degree involved in the due coercion and discipline of such transported offenders, ought in justice to bear at least one-half of the expenses attendant on the police and gaol establishments, which are raised to their present large amount chiefly through the introduction of a convict population into the colony.

"'2. That his Excellency, the Governor, be respectfully solicited to represent, on behalf of this Council, to her Majesty's Secretary of State for the Colonies, that this Council has most reluctantly consented to so large an expenditure for the support of those establishments since the 1st of July, 1835, and has voted the full amount of the estimate for the same for the year 1841, solely from a conviction that it would not be justified in declining to make provision for the maintenance of the public tranquillity and security.

"'3. That by the appropriation, for the period from the 1st of July, 1835, to the 31st of December, 1841, of so large an amount (about 597,000*l.*) of the colonial revenue, arising partly from the sale of public lands, partly from ordinary sources, in defraying the whole charge of the police and gaol establishments, including buildings, and the consequent diminution of those funds which would have been available for the introduction of free labour, every branch of the productive industry of this colony is in danger of falling into decay, to the great loss and injury not only of the colony, but of the parent state also, more especially of its manufacturing, commercial, and shipping interests.'

"II. That the above large expenses of police and gaol establishments have, since July, 1835, been defrayed by the application of a considerable portion of the net proceeds of the sales of Crown lands in the colony to the general purposes of colonial revenue.

"III. That it appears, by papers now before the House (No. 511, 1840, No. 81, 1841), that there has been received from the sales of Crown lands in New South Wales, during the period from 1831 to June, 1840, inclusive, a gross total sum of £958,000

"From which deduct—

1. Charges of various kinds, including expenses of the settlement of Port Philip, and of protection to the Aborigines	£41,300	
2. Actual charge of survey and management (though for eight years paid out of the general revenue of the colony) about	149,700	
Making together about . .		191,000
And leaving net proceeds of sales of Crown lands to June, 1840		£767,300

Whereof the sum of 502,500*l.* only has been applied to the purposes of emigration from the United Kingdom to New South Wales."

"'4. That this House will, on Wednesday next, resolve itself into a Committee of the whole House, for the purpose of considering the manner in which the cost of gaols and police in New South Wales has been defrayed, and the manner in which the land fund of New South Wales has been expended, since 1835.'"

The *Chancellor of the Exchequer* said, the objections which had been urged by his hon. Friend, and upon which his speech seemed to hinge, had reference to two points. His hon. Friend stated first, that he considered a most unjust and unfair arrangement had been made with the colony, by charging it with the payment of the expenses of police and gaols; and next, the hon. Gentleman adverted to the administration of the emigration funds. With regard to the first part of his hon. Friend's remarks, he thought it but fair to state what had actually been the course pursued by the Government in regard to this colony. The original course of proceeding was to pay out from this country the whole of the expenses of the colony, deducting the proceeds of the colony, and making up the deficit by a vote of Parliament. When Lord Goderich was Secretary for the Colonies, in the year 1827, an arrangement was then made by which the expenses of police, was made payable by this country; but in the despatch in which the arrangement was made, Lord Goderich distinctly held out, that if the revenue of the colony should at a future time be able to bear it, the colony must pay a part of the expense of the convict establishment; and he more specially pointed out and alluded to the mixed expenses (as they were termed), viz. the police and gaols, which ought to be paid by the colony. He was anxious to state these facts, because the hon. Gentleman seemed to think that the course which had been pursued was in direct contradiction to that which had been recommended by his noble Friend. He could only refer to the official despatch in 1827, though he believed, that the same proposition had been under the consideration of previous governments. That despatch recommended that ultimately the colony should be prepared to bear part of the convict expenses. From the year 1827 to the year 1834, the arrangement continued in force as fixed by Lord Goderich; but in the year 1834, the revenues of the colony having increased, and the finances of the colony being in a flourishing condition, it was thought they were adequate and sufficient to meet their expenses; and a further arrangement was consequently introduced by the Government, and Lord Spencer communicated with Lord Monteagle, and a despatch was forwarded (dated November 15, 1834), carrying out certain propositions. But it appeared to him that the hon. Gentleman had not stated distinctly what was the nature of that arrangement, and what was the arrangement of the Treasury and the despatch of Lord Monteagle; because it was not the fact that the whole of the expenses were thrown upon the colony without some equivalent. On the contrary, the proposal was, that, whilst the colony should take upon themselves that part of the expense which the home Government now paid, this country would, in return, hand over to the colony certain revenues (small in amount certainly) which were receivable by the Crown, and which were carried to the military chest, and that the colony should be also relieved from the expenses of convicts whose labour was employed on public works, which they then paid. He was anxious, at this early period of the discussion, to remind the House that this was not a case in which the Government of the country threw upon the colony a naked burden; but it was imposed in lieu of certain expenses which had formerly been paid by this country. But what was the principle on which we were called to act in dealing with our colonies? In the infancy of our colonies, this, the mother country, out of its own funds paid, if not the whole, at least the greater part of the expenses; but as, from time to time, a colony grew stronger, additional charges were thrown upon it, so that the ultimate object was, that each colony should pay for its internal expenses, the mother country being prepared to extend its protection and aid at all times. The argument of his hon. Friend would go to show that in its arrangement with the colony this country had made a great saving, while the former had incurred a much increased expenditure. The fact, however, was, that since that arrangement, the expense to the colony and to the mother country had mutually increased. The expense of the colony had been increased by its own prosperity, which required a great outlay upon public works, establishments, and a police force. But since the arrangements of 1835, the expenses of the mother country upon account of New South Wales had increased in a corresponding ratio, notwithstanding the progress of the revenue of the colony. Before the arrangement of 1834, which came into operation in 1835, the whole issue from the military chest, which was the English treasury there, and which included payment for a good deal of police service rendered by soldiers, scattered over the country, in reference to the convicts, amounted in 1831 to 167,000*l.*, in the year 1833-4 it was 182,000*l.*, in the last year it was 332,885*l.* The expenses charged on the general revenue of the colony had been also advancing since 1832, when it amounted to 112,000*l.* until, at last, it reached the sum of 346,424*l.*, which but little exceeded the sum above stated to be paid by us; so that near half the expense of governing the colony was contributed by the mother country. This statement was confined to the military chest. There were also, some naval and other expenses, all of which were met by the mother country. Then since the expense of the police—a very considerable sum, nearly 100,000*l.* a-year—had been transferred to the colony, this country had also incurred great outlay for the colony. Before he proceeded further, he must remind his hon. Friend that, even under the old system, the colony paid one third of the police expense, in the shape of money paid into the military chest for the food and clothing of the convicts employed on the public works. And if the colonists were now to go back to the old arrangement, they would, under that system, have to pay 30,000*l.* or 40,000*l.* a-year. Considering the distance, and the great difficulty of meeting local emergencies, the Government at home could not undertake the task of checking the police expenditure of New South Wales. This must be the duty of the local Government. But he did not think the colony would now consent to go back to the old system, paying one-third of the police expenses, and returning also those sources of revenue then paid into the military chest. If this proposition were made to the colony, no doubt the council would complain of it as a great hardship. Personally, he could assure the colonists that he had no desire to cheat them, nor to get more from the colony for this country than was fair and just. But assurances of the best intentions were seldom of much avail from the Chancellor of the Exchequer, who, in respect of sympathy, was the most unfortunate individual in the House of Commons. [Sir R. Peel. *Hear.*] He was thankful for the encouragement of the right hon. Baronet; still the general complaint was true. Whether it was the Spanish debt, or the Danish claims, or the cost of the army or navy, that came on—in short whatever came on that had not some particular interest connected with it, no one was ready to help the Chancellor of the Exchequer. The general feeling seemed to be that he must be always in the wrong. The next point alluded to by the hon. Member for the City of London was emigration. True, the general principle laid down had been that the proceeds from the sales of land should not be laid out in the annual expenses of the colony, but should go to increase its capital by sending over emigrants from the mother country. But this view should not be confined to emigration alone, for surely they were increasing the capital of the colony by making harbours, roads, and bridges, without which the land could be of no value for what could immigrants do without facilities of communication? Now the land fund system was introduced by Lord Howick, under Lord Goderich, instead of the previous system of granting districts of land which brought nothing to the public or the revenue. The charge was then complained of as a great grievance, and he believed he could show his hon. Friend minutes showing that the leading parties complained that great injustice was done to the colony by employing the proceeds in emigration from the mother country instead of in works on the spot. Thus it appeared that considerable changes had taken place in the minds of the colonists. But if it should appear to the House that it was advisable to pay so large a sum as 50,000*l.* a year, for the advancement of the colony, they should then consider whether it would not be advisable to give up all control over the police to the colony, and apply the money to the promotion of emigration under our own management. The right hon. Gentleman concluded by moving the previous question.

Mr. *C. Buller* hardly knew in what way to take the last sentence of his right hon. Friend. As far as he could understand, the only objections of the right hon. Gentleman to the view of the hon. Gentleman, the Member for London, related to matters of detail. ["*No!*" from the Chancellor of the Exchequer.] That was a short way of disposing of the matter. He must suppose, therefore, the concession made by the right hon. Gentleman to be hypothetical. The question to be considered, he apprehended, was, whether it was worth while for this country to pay, 40,000*l.* or 50,000*l.* for the purpose of encouraging emigration to New South Wales, a colony which, while it produced articles of the most valuable kind, consumed a large quantity of the produce of the mother country. If that were the question, he felt convinced that the universal feeling of this country would be, that it was well worth while to pay such a sum. It was a question of right and justice between the people and the Government of the country. The colony of New South Wales was charged a large sum for the maintenance of a police. He denied that that was a charge which ought to be thrown on the colony. It was not properly a colonial charge, from whence arose the necessity for the heavy expenditure incurred under this head, but from the circumstance of this country sending out her felonious population to New South Wales. If the convicts, after their term of punishment had expired, were not turned on the population of the colony, the necessity for this great expense would have no existence. At present, the inhabitants of the colony of New South Wales paid taxes as heavy as those of the mother country, with the whole expense of the interest of the national debt included. The taxation averaged 2*l.* a head, which was, in fact, double the amount of the burden borne by the population of the United Kingdom, for the interest of the national debt might be taken for one half the amount of actual taxation. Not content with heavy taxation, the land fund had been diverted to the purpose of paying the expenses of police and gaols, a fund which properly should be applied solely to promote emigration. Emigration was the true source of prosperity to the colony. To this prosperity the emigrant contributed, not only by his own labour, but by the taxes which he paid, and the probability was, that, if they had not cut open the goose that laid the golden eggs, the money would have been raised from the emigrants themselves. The trade of New South Wales was one of the greatest importance to this country. It behoved Government to beware of altering their system from day to day. They should proceed on some intelligible plan, to provide the colony with labour, and England with a market for her produce, and to furnish employment for her destitute labourers. He had spoken this in no spirit of hostility to the Government. But he hoped that the noble Lord would give them his assurance, that measures should be taken for the purpose of enabling the colony to derive its full advantage from the revenues raised by the sale of land. It had been said, that a good price had been obtained in the market for the commodity: it ought then to be made applicable to that which should be the primary object of the Government—emigration. He trusted that the noble Lord would act towards New South Wales, in that spirit which had rendered his Government so dear to that colony, ever since he had filled his present office.

Viscount *Mahon* admitted the able manner in which the right hon Gentleman the Chancellor of the Exchequer had met several of the statements of the hon. Member for London, but it seemed to him that the main positions of the colonists remained altogether untouched. Was it denied that the most grievous distress prevailed at the present moment in New South Wales for want of labour? Was it denied that this distress proceeded mainly from the acts of the Government at home? That colony had been in existence little more than fifty years. Within that short period it had attained a degree of strength and development altogether unparalleled in ancient or modern times. It had become the greatest wool market in the world. In 1807 wool had been exported to the extent of less than 300lbs., and the gentleman who first introduced the breed of sheep into the colony had died but three or four years ago. But last year the exports of wool had reached the enormous amount of 6,000,000lbs. This prosperity had been arrested in a great measure by the conduct of the Government. First of all, in 1834, came the Act of Mr. Spring Rice, which threw on the colony the entire charge of the police and gaols, expenses incurred beyond all doubt in a great measure by the mother country for the maintenance of her convicts. Still, however, the colonists, although they complained of the hardness of the bargain, after several complaints from the Legislative Council of the undue severity with which they had been treated, and several protests from individual members, acquiesced in the compact thus forced upon them. They reckoned as a compensation on the continued arrival of convicts, and on the continued sanction by the Government of the system of assignment. But in a few year smore they were miserably disappointed. He (Lord Mahon) was no friend to the system of assignment; he believed it to be of unequal operation, and therefore evident demerit as a penal mode of treatment; but, right or wrong, there could be no question that the colony owed its unprecedented prosperity mainly to that system. He did not mean to deny that a good soil and genial climate and the spirit of enterprise of our countrymen had had some share in producing this result, but no person at all acquainted with the colony would or could deny, that the labour of convicts had been the great and paramount cause of its welfare and its wealth. It had proved to them in truth a mine of gold. First, then, by Mr. Spring Rice's measure, the entire burthen of the gaols and police was thrown on the colony, and in the next place, by the measure of the noble Lord, a measure right in itself, but hastily adopted, without due notice, and without sufficient gradation, the colony was deprived of the advantages which it derived from convict labour. It could not be denied that great distress had been the consequence. The governor of the colony, in a despatch dated the 8th of September last, stated, that in every public department the greatest difficulty was felt. Every branch of industry was paralysed from the inadequate supply of labour. The result had been that lambs—the great staple wealth of the colony—had been deliberately left to perish from want of hands to tend them. Were not these facts which called for the most serious attention of the House? He could not come to the conviction, that because the system of assignment might have been wrong in its commencement, or abused in its progress, that therefore the House should close its eyes to the great distress which the abolition of that system had caused. But there were reasons to fear that, great as the distress was, it had not yet reached its height. Mr. Gibbon Wakefield, a very competent judge, declared that to be his opinion a few days ago before the committee of the House of Commons upon South Australia when New South Wales happened to be incidentally mentioned, asserting his belief that a very dangerous state of things was coming on in that colony. If he were asked how this evil might be remedied, he would say at once that there were several modes by which the House might interpose,—there was the guarantee of a loan—there was the undertaking some share in the expenses of police and gaols, according to the opinion expressed last year by the Earl of Ripon in the House of Lords—but he was not prepared to concur in any vote for the repayment of any sum of money taken from the land fund; the labour of convicts from the year 1835 to 1840 might be deemed sufficient to cancel any such claim. He could not have supported the motion in its original form, but now that it proposed merely that the House should resolve itself into a Committee "for the purpose of considering the manner in which the cost of gaols and police in New South Wales have been defrayed, and the manner in which the land fund has been expended since 1835," the mode and degree of the relief being left perfectly open, he felt himself at liberty to vote for it, reserving to himself the right of acting as he thought fit with regard to practical measures hereafter. He thought a *primâ facie* case of grievance had been made out to justify the course proposed in the motion. He must also express his opinion that this was a question of great importance to ourselves—a question which acquired additional weight from the increased flow of emigration into New South Wales, and the manner in which emigration was now regarded by enlightened portions of the community at home. In a petition sent to that House from the members of the Protestant Emigration Society of Glasgow last year, the petitioners, poor mechanics of Glasgow, made such statements and used such language as would have done honour to any station or any acquirements. Here are their own words:—

"That your petitioners are labouring under privations of the most appalling nature, in consequençe of being frequently out of work, and, when fully employed, their wages are inadequate to purchase a sufficiency of the common necessaries of life; that in consequence of their poverty your petitioners, with few exceptions, are so ill clothed, that they cannot attend the public worship of God without violating the sense of decency instilled into them by early education, and their children are growing up without education. Your petitioners presume to state, that their experience for many years convinces them that the principal cause of their accumulating misery is a redundancy of hands in the labour-market, where, according to the fluctuating state of trade, masters have it not in their power to employ all that are out of employment. That, in consequence of the rapid improvement of machinery, and its application to almost every branch of industry, your petitioners apprehend a still greater redundance of manual labour; and if not averted by wise legislation, our country, once so celebrated for virtue, piety, and intelligence, will sink, and is rapidly sinking, into discontent, poverty, ignorance, and crime. Your petitioners, however, consider, that this appalling state of things may be averted by a well-timed continuous system of emigration; thus abstracting labour where it is no longer useful but injurious, and placing it where it will find ample and profitable employment—profitable to the colonists—profitable to those who emigrate—and profitable to the mother country."

Now, he did not mean to say, that these sentiments, though most ably expressed, were in themselves adequate reasons for supporting the motion, but they furnished corroboration for such a course, and showed how intimately the interests of New South Wales were connected with the interests of the home population. The state of the country was such as to render emigration highly needful. Look to our increased and increasing population—the growth of labourers far exceeding the demand for labour—and see whether emigration be not the very safety-valve that our social position requires. Country gentlemen might depend upon it, that emigration in the long run would be found the best Poor-law. Not only would it afford relief to the labouring and manufacturing classes, but also to persons of higher pursuits, for it was impossible for any one to become acquainted with the literary walks of society without finding many individuals of learning, talents, and genius, who were debarred from procuring a livelihood, and doomed to struggle with privations by the pressure and competition for all branches of employment. He (Lord Mahon) believed, that this glorious destiny was reserved for us—that it was only by laying the foundation of future empires abroad, England could maintain her empire at home; that by establishing free, prosperous, and orderly colonies, would she best secure freedom, prosperity, and order on her own shores.

Lord *John Russell* said—It would, no doubt, be agreeable to any member of a government holding the situation I hold, if, on a case of grievance being made out for a colony, and assistance asked, he could recommend that assistance to be given. I can assure the noble Lord who has just sat down, that there would be no end of applications and of cases. It happens to me continually to receive such applications, often grounded on very strong reasons. One colony after another makes complaints of grievances, and asks for this particular kind of redress, namely, that part of the expense charged upon them should be charged upon the public funds, and, be it remembered, upon the taxes of this country. There is one state rather than colony connected with this empire, respecting which a noble Lord has a motion on for this evening—I mean the Ionian Islands. The people of those islands consented to pay 35,000*l.* a-year as a military contribution, but are now in great distress, and constantly sending over applications to be relieved from the burden. In Malta there is a large number of people of the poorer class who are in a state of great distress, and find great difficulty in contributing towards the revenues of that country; and yet that island contributes 5,000*l.* a-year towards our establishments. In Ceylon there is a very large sum of money paid by that colony towards its military expenses. Jamaica also complains that it is subject to great expenses for education, Courts of Justice, the clergy establishment, &c., which expenses are imposed upon their revenues by this country. Indeed, there is not any single colony which would not say how great an advantage it would prove to it if a part of its expenses were defrayed out of the revenues of this country. The hon. Member for London made it part of his case that the Governor of New South Wales took the same view of this matter as he did. No doubt, with respect to the governor of a colony, he never fails to recommend any measure which may have the effect of relieving the revenues of that colony from any burden upon them, and there is scarcely any governor who does not urge that this country should pay part of the expenses of his establishment rather than the colony. A distinguished general (Sir Colin Campbell) had hardly been appointed to the government of Ceylon one week when, as I was consulting with him on the best measures to be adopted for the prosperity of that colony, he said that beyond all doubt the best thing I could do for Ceylon would be to take off the military expenses now paid by that colony, and impose the burden upon the mother country instead. If, therefore, you wish to dispose of 50,000*l.* a-year in relief of the colonies, or a much larger sum, you will find no difficulty from the paucity of applicants. But, before you decide on giving that sum to any one colony, you should first of all compare the cases of all the various colonies, and, if you do so compare those cases, my opinion is that the colony which has been the most favoured, and which has the least cause for complaint of all our colonies, is the very colony on whose behalf these complaints are now made—the colony of New South Wales. Port Philip, a dependency of New South Wales, but a short time since made a complaint, and asked to be indulged with a separate government, stating that much undue favour had been shown to New South Wales from the beginning to the present time—that it was not in comparison fairly treated. The noble Lord opposite (Mahon) states as a grievance and proof of distress in New South Wales, that there is a general demand for labour. No doubt there is, and that that the colony would be much benefitted by a large increase in the amount of its labourers. But surely this is not a case of distress in that colony. When Gentlemen from Ireland tell me that great distress prevails there—that a man cannot earn more than sixpence per day—that in consequence of insufficient wages he and his family cannot obtain sufficient food, and are therefore subject to fevers and other lamentable disorders, I cannot doubt that distress exists in that country; but when the noble Lord tells me that in New South Wales the demand for labour is such that the labourers obtain comfortable rations of food besides high wages, I cannot admit that colony to be in a state of distress. It may be a reason why the colony does not make more progress that it cannot command more labour. But such a state is not a state of distress. The reason is, that there is so much capital in the colony, that there is not sufficient labour for that capital to employ, and to what is this state of things owing? Is it that labour is exported from that colony? Is it that less sums of money are applied than merly to take labour there? That that is not the case is proved by the papers now on the Table of this House. Take the last report, signed by the Bishop of Australia, and you will find it stated that since the last returns, what with the bounty paid by the colony, and what through the Government ships, of which the charges are paid by the sales of land in this country, upwards of 20,000 labourers have emigrated from this country to that colony. By Government ships, of which the emigration charges have been paid by the Government here out of the land sales, there have been sent out 12,770 emigrants; by the bounty fund paid by the colony 5,320, and unassisted 4,986; making a total of 23,876, of whom more than 18,000 have been sent out by Government means. It is, therefore, not because the number of labourers in that colony have decreased that the wages of labour are so high; on the contrary, they have much increased; and if you add to this number the 15,000 or 16,000 persons who were sent out prior to the period alluded to in this report, you will find that upwards of 40,000 persons have been added to that colony at the expense, in point of fact, of revenues created by the Acts of the Government. And yet it is in behalf of this colony that the noble Lord makes such a special complaint. By the acts of the Government in 1831 we created a fund, and of that fund we have expended upwards of 500,000*l.* in adding largely to the mass of labourers in this colony. The case attempted to be made out in support of this motion is, that nothing has been done for the colony, that the colony has been deserted, and that no emigrants have been sent to New South Wales. Now, I must say, that for some colonies for which very little has been done, some plausible complaints of this nature might be made; but with respect to this particular colony, so far from such a complaint being just, it appears that the Government has done a great deal, and that the colony has prospered greatly in consequence of what the Government has done. It has already made great progress, and is desirous of making much greater progress, and all that I can make of this complaint—the whole I can reduce it to—is, that the colony would advance much more rapidly if we would contribute 50,000*l.* a-year to its revenue. No doubt, if you were to allow 50,000*l.* a-year to this or to many other colonies, the rate of their prosperity would be advanced. But, as to the claims of this colony of New South Wales, it so happens that more has been done for it than for any other under the Queen's Government. In the early part of its history, by the assignment system, which the noble Lord says has been properly though hastily abolished, we added much to its prosperity. The noble Lord agrees with me that the assignment system was properly abolished, and, without entering into the question whether it was hastily abolished or not, I agree with him at the same time that it did much for the prosperity of the colony. Setting aside for a moment all views of morality, I agree that nothing tends so much to advance the prosperity of a colony as a great command of slave labour, and the assignment system was a system of slave labour. But in course of time the increase of the convict population continued, would become so alarming, that it threatened to endanger the future peace of the colony, and to require strong measures of military coercion to preserve order and property, and obedience to the laws. In a moral point of view, the great increase of a criminal population threatened the most dangerous consequences; and the result, if persevered in, would have been, that all men who had any regard for morality, or the preservation of social order, would have left the colony rather than live in the midst of such corruption. At the very time when this danger presented itself, Lord Ripon established the system which has since been acted upon, that instead of the lands of the Crown being granted almost gratuitously, and, no doubt, in many instances, very improperly, they should be sold, and used as a means of augmenting the population of the colony, from the funds which were thus raised for that purpose in the United Kingdom. By enabling the Government to send thither many families of good character and industrious habits, it tended to neutralise, in a great degree, the effect of the convict system; and having by that system in the first instance laid the foundation of the material prosperity of the colony, they were subsequently by Lord Ripon's system enabled to lay the foundation of its moral and social prosperity. Without pretending any special favour for the colony of New South Wales, it has so happened that in these respects that colony has been particularly favoured, and, if I were to go through the list of all the colonies of the British empire, I do not know one which has been so fortunate as New South Wales. The noble Lord, however, says the present position of New South Wales is one of distress. Let us see how this statement is borne out by facts. With regard, first of all, to its revenue, it appears from the official documents that previous to the transfer of the police and gaol charges the revenue for 1833–4 was 150,000*l.* In 1837–8, the revenue had increased to 208,878*l.*, and according to Sir George Gipps's despatch of the 1st of August, 1840, the total revenue, including the land fund, quit rents, and other payments, had risen to the sum of 427,368*l.* Is that the description of a colony in a state of distress—is this a colony in a state of ruin—are these the facts which the noble Lord brings before us in order to induce us to vote out of the taxes of the United Kingdom—taxes paid by a heavily burdened people—the sum of 50,000*l.* per annum in aid of the colonists of New South Wales? Here is a colony, which in 1834 has a revenue of 150,000*l.* per annum, and which in 1840 has a revenue of upwards of 400,000*l.* per annum. I ask if you can mention an example of any colony or State which has progressed so rapidly as this colony? The hon. Member for Liskeard says, the colonists are very heavily taxed, because, if you take the population per head, you will find they pay a greater amount per head than in many large States, or in any other colony. I will not enter into the comparison with other colonies on this subject, but I certainly must say, that such a comparison is very fallacious. What is the nature of the burdens which they have to bear? If you find they have to pay heavy window duties, heavy assessed duties, heavy duties on coffee, tea, and, as a friend behind suggests, on the importation of their corn—if you find that in all these matters they are very heavily taxed, then you may justly say they are a much burdened people, and come and ask the lightly-taxed people of Great Britain to bear some portion of their burdens. But, looking to the way in which New South Wales is taxed, I could not but be much struck with the nature at once of their expenditure and their revenue. The items of expenditure which the people of this country pay out of the county rates, the municipal rates, and the other local rates, are paid by the people of New South Wales out of the customs duties and general revenue of the country. The lighting, the police, and the general charges of Sydney are paid out of that revenue; just as if the lighting and the police of London were to be paid out of the duties on rum, coffee, &c. When you talk of heavy expenditure in this colony, you must bear in mind that a great deal of this expenditure arises from the circumstance that the colonists have not submitted themselves to those local charges which we submit to, which the people of other colonies submit to, and which we think the right course of payment, and in this respect I bear out the views of Sir George Gipps, who has continually urged that these local taxes should be raised locally. As to the revenue of the colony, I find that out of the revenue of 200,000*l.*, in 1838, the duties on imported spirits, spirits distilled in the colony, spirit licences, wine, tobacco, &c., amounted to 145,278*l.*, the quit rents and land fund, be it observed, bring no burden on the colony. It appears, therefore, that with regard to the general objects of taxation, their taxation is very light; and spirits, tobacco, and wine, furnish the greater part of their revenue, and surely are, of all the articles within the range of taxation, the articles which are the most fairly taxed. After listening attentively to the noble Lord and the hon. Member for London, it appears to me that the old ground of the violation of the faith of 1831 is abandoned, and that the general question is, whether we should afford some relief to this colony or not. When a question of this kind is put to me, my answer is, that I will not impose extra taxation on the United Kingdom to assist those who, as the case stands, do not pay one-tenth part of the taxation which the people of the United Kingdom pay, who have already, be it remembered, many expenses on account of New South Wales to pay. My right hon. Friend, the Chancellor of the Exchequer, estimates 300,000*l.* as the expense connected with the penal settlement of this country. This is an expense which we are properly bound to pay, and which we do pay. There are other expenses connected with the military, which we also pay, and I do not think it any answer, as has been suggested, that our military force must be stationed somewhere, since, had we not so many colonies, we should not have occasion for so many soldiers. This is the proper way in which this country contributes to the expense of her colonies, and by so doing we save those colonies which depend on Great Britain those expenses which independent states are compelled to incur. So far as foreign enemies are concerned, the navy of Great Britain, the army of Great Britain, the artillery of Great Britain, are at all times ready for the defence of her colonies, and from these expenses they are entirely free, and have it, therefore, in their power to devote their revenue to internal improvements. The noble Lord opposite ended by saying, that it was a very great advantage to the colonies and to the mother country to promote emigration. I entirely agree with him. I have more than once expressed my concurrence in the principles laid down in the works written by Mr. Wakefield, and which principles were adopted by the Colonial Secretary in 1831, by the application of the money received from the sale of the colonial lands to emigration. I think it a wholesome system, and far better calculated to promote the prosperity of our colonies than giving them 50,000*l.* or even 100,000*l.* a-year out of our taxes. I agree in the principle of emigration; but there are difficulties in its details into which I need not enter now. I will say but one word. If you ask any persons in this country who are those they wish to emigrate, or who are the persons who are themselves anxious to emigrate, the answer will be, that they are persons burdened with large families or persons whom it would be an immediate relief to the district in which they live to get rid of. The noble Lord had read a petition from Glasgow on this subject. Now, in Glasgow and other places, where there are a large number of weavers and other persons who have to struggle with great difficulties, no doubt; but if you were to send those persons to keep sheep in New South Wales, I am afraid you would equally find them unable to struggle with the hardships they would have to encounter, and that the habits of their lives have unfitted them for such emigration. It is a very different question between those persons who wish to emigrate and those persons whom the colonies wish to have. The emigrants the colonies desire to see are persons in the prime of life, able to struggle with hardships, and calculated to form the foundation of a good colonial population; and, as those are just the persons who are most likely to obtain employment at home, they will not readily quit their own country, even to obtain a higher rate of wages in a colony. Doubtless, there are still a vast number of persons anxious to obtain employment, and who could be sent with advantage to the colony; but, on the whole, I know no scheme which could be devised better than that which prevails at present, combining, as it does, Government superintendance, colonial assistance, and private enterprise. The lands of the Crown in the colony being put up to sale, and the produce forming a fund, devoted to the purpose of sending out fitting emigrants, is under the superintendance of the Government, and a different form of the same sytem being adopted in the colonies, called the bounty system. One would really think, however, from what had fallen from the hon. Member for London, and from the noble Lord opposite, that this last had been put a stop to altogether, owing to some vaguely alluded to acts of the Government which they did not define. Now, what does Sir George Gipps say in his financial statement for 1839:—The land fund and the produce of land rates amounted that year to 152,962*l.* You say this is all swallowed up by the expenses of the police and gaols, and of the Government; but if you turn over a leaf you will find, that in the same year there was expended in emigration no less a sum than 158,518*l.*, being fully 6,000*l.* more than was produced by all the land sales. Sir George Gipps says, that, in future, he shall charge the expense of the surveys on the land fund, and whatever may be thought as to other charges, there can be no doubt the surveys are properly chargeable on that fund. But Sir George Gipps has never said, nor has he ever been instructed to say, that the land fund should not be devoted to the expenses of emigration; on the contrary, he has been told that the bounty system was to be continued, and that it was approved by the Government. But what he has been told is this, that it is imprudent to incur so large an expenditure without raising a sufficient amount of taxes to meet that expenditure; that to meet local expenditure local charges ought, according to his own plan, to be adopted, and that he should either decrease the expenses of his Government, or increase the amount of taxes to meet those expenses. This he has been told; but this is a totally different thing to putting an end to emigration. I do not wish to put any check on emigration. I have considered it, and do consider it as of the greatest benefit to this country, and to New South Wales. More especially is emigration of importance to a colony like New South Wales, which has so long been a receptacle for the convicts of this country. It appears to me, that the only way of laying the foundation of a moral community is, by introducing a large number of emigrants, drawn from the soundest part of our own community. I do not differ from the hon. Member for London in this respect, but I do differ from him when he says, that 50,000*l.* a year should be taken off the taxation of New South Wales, and added to the taxation of the people here. That, however, is the question before the House, on which, in 1834, a decision was come to by the Government, as was explained by his right hon. Friend, the Chancellor of the Exchequer, who said, that if we were to make any such change, we ought to go back to the state of things which existed previously to 1834. That would, no doubt, be equitable, but it is far better not to go back to that arrangement. It is far better that the police and the gaols of New South Wales should be under the control of the Governor and Legislative Council of the colony. The hon. Member for Liskeard says, that a large taxation is imposed on the colony by a Legislature not chosen by the people of the colony; but my hon. Friend must know, as well as any other man, the difficulty in the way of giving a local Legislature to a colony of which the circumstances are so peculiar, and of which so large a portion of the population have been convicted criminals. The state of the population in New South Wales, presents many difficulties in the way of introducing a representative government into that colony; but I am happy to say, that from year to year the character of that population is changing, that it is becoming more wholesome, and that year by year it approximates more to the character of the population of this country, of Scotland, and of Ireland. As this change takes place, it will be the more incumbent on the Legislature of this country to give those representatives institutions which properly belong to all colonies derived from the race which inhabits these kingdoms. My belief in that whether we introduce these institutions now, or postpone them to a riper period, we shall all unite in opinion, that finally it will be more safe to bestow on New South Wales a representative constitution—that she will become entitled to those checks on the expenditure of her resources which such a constitution gives, and to all those liberties which encourage men to exertion, whether in the pursuits of trade or agriculture, liberties which have been the foundation of the prosperity of the parent State, and which, I trust, will be the foundation of the prosperity, and long the pride of this community on the other side of the water.

Sir *William Molesworth* said, that the noble Lord who had just sat down, contended, that all the local expenditure of a colony ought to be borne by itself. He would agree to the correctness of that principle as applied to ordinary colonies. But, with regard to New South Wales, the circumstances were very peculiar, from the fact of its having beeen so long a penal settlement. Since its foundation, there had been 75,000 or 80,000 convicts exported to that colony, of which 30,000 were still under punishment. The demoralization of the population was consequently very great, No person could form any idea of the amount of crime which was perpetrated by this population, consisting in so large a proportion of convicts exported from the mother country. Under such circumstances, to compel the colonists of New South Wales to pay for the whole expense of police and gaols, which this disposition to crime rendered necessary, would in reality be to burden them with a portion of the expenses of the criminal jurisprudence of the mother country. It was true that the colonists had derived advantages from the system of convict slavery, in the labour which they obtained from them; but it should be recollected also, that they clothed and fed their convict slaves, and thus diminished the cost of them to this country. Moreover, free labour was always found to be cheaper and better, when it was to be obtained, than convict labour. But the land-fund had been interfered with in such a way, as to deprive the colonist of that amount of free labour which they had expected on going out, and had still a right to expect. Our colonies were well worthy of attention and encouragement at the hands of the mother country. They opened to us the most valuable markets for our commodities which we enjoyed, excepting only that of the United States; and it was most important to encourage those markets at the present moment, when we were threatened with the loss of the markets of the north of Europe. But to maintain and uphold the colonies as a useful appendage in a commercial point of view, it was absolutely necessary that a constant influx of free labour should be kept up in them. The land-fund was the best means available for promoting this object, because it operated as a test and guide to the quantity of emigration required. He conceived, with his hon. Friend, that the net proceeds of this fund should be applied to this purpose without any deduction. The present population of South Australia was necessarily in a very demoralized state, and if it were considered desirable to ameliorate it, that could only be done by swamping the disreputable portion of the community by the addition of a great number of respectable and industrious emigrants from the mother country. And yet, with this great and desirable object in view, was it fair or prudent to misappropriate from this important object so large a sum as 50,000*l*. a year? It was because he did not approve of this principle, that he cordially supported the motion of his hon. Friend, the Member for London.

Sir *Robert Peel* : Sir, I think, that some of the observations made by the right hon. Baronet have raised a new feature in this debate. The right hon. Baronet dwells on the advantages that would accrue to New South Wales from the introduction of free settlers and the promotion of emigration, and he asks will the House refuse a paltry 50,000*l*. or 60,000*l*. a-year, when the expenditure of that sum in a particular manner would relieve an evil existing in the colonies. Now, if the principle laid down by the hon. and moral Baronet were to be established, what would be our position? He might look at Upper Canada, and, seeing the advantages that would arise from an increase of population there, say, will you refuse 50,000*l*. for this purpose? Take Lower Canada again. It would, undoubtedly, be desirable to diminish the difference, in point of numbers, existing between the French and British population in that province. So that in all these, and many other cases, claims might thus be made on the resources of the mother country. But, in considering the question, we should look to the whole amount of expenses that would thus be incurred. If the principle were established it could not be confined to New South Wales. I am perfectly ready to acknowledge the advantages of emigration, of the importance of supplying our colonies with the labour of which they are in want, and, at the same time, relieving ourselves of the surplus population which cannot find employment at home. I do not, I repeat, deny the necessity of emigration; but the great principles on which this emigration is to be promoted should be considered on general grounds. The hon. Gentleman brings forward his motion on special and exclusive grounds, for New South Wales alone; but we should take a more extended view of the question. The real question is, whether it is right to lay a burthen of 50,000*l.* a-year on the country, to defray the expense of gaols and police establishments in New South Wales. Sir, even if I admitted the justice of the claim for the amount asked, the last thing I should be inclined to devote it to would be to purposes of this kind. I should be certain, that we should have no proper power of controlling this expenditure. The hon. Member for Liskeard has said, he would strip the question of embarrassment, by waiving any pledge that may have been given. Sir, in that case, I feel, that we should consider the claim solely in reference to its justice and equity. I confess, I was somewhat embarrassed at hearing, that there was a public and formal engagement by the British Government to devote the whole produce of the sales of land in the colony to the purposes of emigration; that land had been purchased, and speculations entered into, on the faith of that pledge; but as that pledge is not insisted on, I look solely to the equity of the case—and unless it be shown, that an engagement is in existence, binding on us in faith and honour, I cannot consent, that this country should devote 50,000*l.* a-year, to the support of the gaols and police of New South Wales. The right hon. the Chancellor of the Exchequer has shown, that the mother country is at present at an expense of 330,000*l.* yearly, for the government of the colony, and, in addition to this large sum, there are numerous contingent burthens to which the mother country is liable; as the protection of the commerce of the colony, her defence in case of war, and various other sources of expenditure. The hon. Baronet (Sir W. Molesworth) tells us, he admits, that in the case of ordinary colonies, the burthens of their police and gaols should be borne by the colonies themselves, and that, unless it appeared, that there was a special claim in the case of New South Wales, he should not have supported this claim. He says, that the convict and police establishments of the colony, are unduly large and burthensome, in consequence of the amount of crime sent out from the mother country; that these establishments are larger beyond all proportion, than those of other places. This I admit to be the case; but, I say, if it can be shown, that this convict population has produced a marvellous and incredible amount of prosperity—for its moral effects cannot here be taken into account, but if it can be shown, that the commercial and general prosperity of the colony has been increased to an immense amount by the convict labour—if this can be shown, I say, it justifies the position, that the colony has no right to complain of the peculiar expenses for gaols and police, which that convict population has rendered necessary. We have statements made by the strongest advocates for transferring these burdens to this country, descriptive of the vast and rapid strides in prosperity which have been made by New South Wales. It is stated, that the usual rate of profit upon capital employed in that colony was 20 per cent., and that, it should be admitted, was a very high rate. Upon referring to a work, which I hold in my hand, I find, that in the year 1807, the colony of Australia had yielded only 245lbs of wool for exportation, and in 1839, there had been over 10,000,000lbs of the same article shipped from that country. Then, upon referring to it as a recipient for the manufactured goods of this country, as compared to other nations, I find the amount of home manufactured goods sent to Australia, to be only less by about 75,000*l.*, than what was sent to Russia. Is this prosperity a reason why a burthen of 50,000*l.* a-year, is to be transferred from the colony to the mother country? If the prosperity of New South Wales is mainly owing to the peculiar demand and peculiar supply of convict labour, is it fair to throw upon this country the peculiar police expenses occasioned by the employment of that labour? I have been induced to take part in this debate, from my sympathy with that unfortunate sufferer, the public treasury, which is really the most injured and helpless of all sufferers. If it can be shown that the commerce and prosperity of the colony of New South Wales are declining, that her exports of wool, instead of increasing are diminishing—if this can be shown, there may be some argument why the mother country should come forward to relieve this unfortunate colony; but it is shown that the commere and exports of the country have been quadrupled within a few years, is it then to be said, that a clear proof has been given why the police expenses of the colony should be defrayed by the mother country? Sir, I am not prepared to admit, if Lord Glenelg gave an indiscreet pledge, that we are bound to pay 50,000*l.* a-year for this purpose. But apart from this, here is an outlay of 330,000*l.* for military purposes in the colony, besides other expenses, defrayed by this country. The expense of police and prison establishments in the colony is 100,000*l.* yearly. A considerable profit is derived from the sale of public lands. This country says to the colony, "We shall not require you to pay, from your direct and immediate revenues the whole of these gaol and police expenses; we shall set aside some of the sale of lands' fund for that purpose, and the rest of the fund shall go to the promotion of emigration—not a single farthing to the mother country, to the support of the army or navy, or any other object of the kind. Part of the land revenues shall go to the support of the gaols, and the rest to the purposes of emigration." This, Sir, is what the mother country says to the colony of New South Wales; and will any man say, that it is not in every respect just and equitable on our part? Is it defensible on any fair ground that we should be called on to pay 50,000*l.* a-year, under these circumstances, for the purposes which the hon. Member has spoken of? Besides, there is the option given to the colony to supply by local rates the deficiency. Instead of the customs duties on the public revenue, it is open to the colony to make up the deficiency by a rate upon property. The entire of the land revenue may then be appropriated to emigration. Sir, I am as anxious as any one to promote the prosperity of New South Wales. I believe it contains within itself the elements of a future great and flourishing country. I should be sorry to throw any obstacle in the way of its advancement. I regret that at a time when the system of assignment was discontinued—properly and judiciously in my opinion—that at this time the state of the revenue was such that it was found necessary to take a step which imposed a check on emigration to the colony; but I cannot think that this country should be called on to pay 50,000*l.* a-year for the prison expenses of the colony. I must confess, that I see with considerable anxiety, the increased and increasing expenditure of this country. The other day we were called upon to advance a sum of 163,000*l.* for soldiers, and that sum could not be well refused in consequence of the increased force it was requisite to employ; and now we are in a manner called upon to advance 50,000*l.* for New South Wales, a thing which, under the present financial difficulties of this country, as well as the great pressure of taxation, nothing can, in my view of the matter, sanction but a strong conviction that some pledge or obligation, or the national honour, requires the payment. I cannot avoid saying, that I think too little attention appears to be paid by all Governments to the financial affairs of their respective countries. It is of material consequence to the well-being of every state, whether under a despotic form of government, or having its constitution upon a popular basis, to look narrowly and closely to its financial system; to see that its expenditure do not exceed its means. Indeed, it is too much the custom of all European nations at present to pay very little attention to this point, and to enter into the most extraordinary expenses, without considering how they are to be met. There was, for instance, a neighbouring state, that, at a time of profound peace, merely for the gratification of some fancied military jealousy, or anticipation of evil, was about expending between twenty and thirty millions sterling in fortifications. This heedlessness of expenditure, which is, I regret to say, characteristic of all European governments at that moment, must ultimately have the very worst results. Indeed, in this country, the present financial state of affairs showed the most lamentable prospects, and if not looked to properly, could only cause a complete paralysation of its industry and commercial advancement. He was sorry to make these observations, but he felt himself called upon to do so, when he observed the course which was pursuing with regard to its financial affairs, not only in this country, but almost every country in Europe.

Mr. *Ward* understood that his hon. Friend rested his motion on the ground that there had been a specific understanding, that when lands were sold the proceeds should be applied to the importation of free and good labour; and in consequence of its being found that the Government was actuated by no fixed principle, but that the funds pledged to be employed for that purpose might hereafter be applied to the maintenance of the navy and army, or other purely English purposes, he called upon the House to consider wha portion of the expense of the police and the gaols should fall upon the colony, and what upon the mother country. He should certainly vote for the inquiry, in order that they might ascertain the state of the debtor and creditor account between Ausralia and this country, not for the purpose of causing any wasteful grant, but of doing an act of strict justice to the colony, and redeeming the pledges held out by the Government to induce persons to buy land in the hope of obtaining labour for its cultivation.

Sir *R. H. Inglis* considered with his right hon. Friend (Sir R. Peel), that it was the duty of countries to make their revenue cover their expenditure. He could not, however, on this occasion, vote with his right hon. Friend, as he considered that New South Wales had a moral and binding claim on this country. If, instead of being kept at Milbank, a thousand convicts were removed to the other side of the globe, were the obligations of this country to defray their expenses any the less? Why, on the same principle, the expenses of the hulks and convict dock-yards at Portsmouth should be levied on the town of Portsmouth. As was stated in the pamphlet which his right hon. Friend the Member for Tamworth had quoted from, it was no act of the colony to have these convicts, and the mother country should not, in addition to relieving herself of them, make the colony pay for the relief. The question was, not whether such places as the Ionian Islands, or Malta, or Ceylon, were to be relieved from certain burthens, but it was the case of a colony affected by special and peculiar circumstances. He would not then enter into the question of emigration. The question was, whether or no in the case before the House, the application was one which could not in equity be resisted. He thought it was not, and therefore he should vote for the motion of the hon. Member for London.

Sir *C. Grey* considered it most preposterous and alarming, that this country should be called upon to make distinct grants for the police establishments of colonies having separate revenues within themselves. He should therefore vote against the motion of the hon. Member for London. With regard to placing the management of the affairs of the colony in the hands of a representative government he was in favour of a measure of that sort; but he thought that, in establishing a domestic legislature, a branch answering to the House of Lords in the mother country was completely unfit for an infant colony.

Mr. *Hume* had always been anxious to see a representative government for New South Wales, and the present debate arose out of the fact, that the colonial system of this country had hitherto been perfectly unintelligible, and depended entirely on the Minister for the Colonies for the time being. He only wondered that our colonies were so prosperous as they now were. In stating this, however, he saw the danger of adopting the principle of his hon. Friend (Mr. Grote); it was one which this House ought to weigh well. The noble Lord, the Secretary for the Colonies, stated, that he agreed with every hon. Gentleman who had spoken as to the great advantages of emigration, both to this country and to the colony, and that we were therefore bound by every means in our power to promote the system of emigration. He agreed with the noble Lord, and the only difference between his hon. Friend and the noble Lord was, whether the whole amount of the produce of the sale of lands should be applied to the purposes of emigration or not. But the noble Lord had shown, that the whole of the proceeds of the sale of lands was applied to the purposes of the colony; then, of course, the complaint of his hon. Friend could not be supported, that we had applied but a portion of the money to that purpose. Now, suppose there were no convicts at all in the colony, would the inhabitants be obliged to maintain gaols and a police? Certainly they would; then why should they not maintain them now? The hon. Baronet, the Member for Leeds, said there were 38,000 convicts now assigned and working for the colonists, and that it was a loss to the colony when convicts were set free. So that here was this large number of convicts at work for the colonists, merely at the expense of food and clothing, and yet the colony said they could not maintain a police to keep those who had been set free in order. Why these discharged convicts now formed part of the colony; they were no longer convicts, and contributed towards the revenue of the colony. He could not see why the people of England should be called on to tax themselves to keep a police for New South Wales, merely because, by the assignment system, we had allowed 38,000 convicts to be employed by the colony for its own good. If we were to pay for emigration, there were other places than New South Wales, to which in his (Mr. Hume's) opinion, it should be directed. But that was a question which ought to be taken into consideration separately, and the motion before the House should not be pressed on the principle that emigration to New South Wales alone was necessary. It would be most unjust to apply 50,000*l.* a-year to that colony more than it already possessed. The inhabitants of New South Wales were perfectly capable of being taxed as they thought fit, for he wished to leave it to themselves, and all that was asked of them was to levy an amount of taxes sufficient to maintain the internal establishments of the country. This was a simple question, and it ought not to be mixed up with any other. He wished the colony to have free institutions, and liberty to manage its own affairs; but we must not undertake to defray the expenses of its police and gaols. It would be a dangerous precedent to entertain such a motion as that of his hon. Friend; and every hon. Gentleman who voted for it would be pledging himself to give money from the taxes of this country—not as to the amount, but as to a portion of these taxes for the maintenance of the gaols and police establishments of New South Wales. Under these circumstances he should vote against the proposition of his hon. Friend.

Mr. *Grote* briefly replied, and observed, that he was pleased with the general views of the noble Lord, the Secretary for the Colonies; but he could not see, in the history of New South Wales, that they had ever been carried into effect. If the promises of Lord Glenelg and Lord Ripon had been executed, every farthing of the 260,000*l.*, to which at a former period of the evening he had referred, would have been devoted to sending emigrants to the colony.

The House divided on the previous question, viz.—that the question be now put:—Ayes 8; Noes 52:—Majority 44.

List of the AYES.

Bolling, W.
Brownrigg, S.
Hodges, T. L.
Jervis, S.
Mahon, Viscount
Molesworth, Sir W.
O'Brien, W. S.
Ward, H. G.

TELLERS.
Grote, G.
Buller, C.

List of the NOES.

Ainsworth, P.
Baring, rt. hon. F. T.
Barnard, E. G.
Barrington, Viscount
Bernal, R.
Brabazon, Lord
Brotherton, J.
Busfeild, W.
Chichester, Sir B.
Dundas, D.
Evans, W.
Fitzroy, Lord C.
Gladstone, W. E.
Gordon, R.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Greg, R. H.
Grey, rt. hon. Sir C.
Grey, rt. hn. Sir G.
Hobhouse, T. B.
Hume, J.
Hutchins, E. J.
Lascelles, hon. W. S.
Macaulay, rt. hon. T. B.
Maule, hon. F.
Morpeth, Viscount
Morris, D.
Morrison, J.
Muntz, G. F.
Muskett, G. A.
O'Ferrall, R. M.
Peel, rt. hn. Sir R.
Praed, W. T.
Rawdon, Col. J. D.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Salwey, Colonel
Scholefield, J.
Sheil, rt. hn. R. L.
Smith, R. V.
Sotheron, T. E.
Stanley, Lord
Stuart, W. V.
Strutt, E.
Tancred, H. W.
Thornely, T.
Trotter, J.
Wilbraham, G.
Williams, W.
Wood, B.
Wyse, T.
Yates, J. A.

TELLERS.
Stanley, E. J.
Parker, J.

IONIAN ISLANDS.] Lord *C. Fitzroy* in calling the attention of the House to Ionian affairs, was fully aware of the difficulty of the task that he had undertaken, not from want of conviction of the justice of the cause he was about to advocate, the defence of the Ionian people against their Governor, but from having opposed to him the Gentlemen on the other side of the House, whose principles of government are so much in accordance with those of the present Lord High Commissioner and with them on this occasion were joined the *Liberal* Government of her Majesty, and all those whose prejudices condemn these people as nothing but Ionians. But he must have erred most deliberately if it could be shewn by any, but the advocates for absolute rule, that the Ionian people had no ground of complaint against their Governor. If it could be shewn that an intelligent, industrious people, of not less education than many countries, and counties of countries that he could mention, whose higher classes were wealthy, and possessed of talents of the highest character—if it could be shewn that after a thirty years protection under the British Crown, these people were unfit for a further advancement in the scale of civilization by an extension of their political rights, then had he (Lord C. Fitzroy) not only mistaken the character of these people, but had been more mistaken in what he had conceived to have been the paternal duties of the protecting Government. What would have been the position and condition of Ireland, at this moment, but for an extension of their political rights, and a change in the system of government which established a more just, in a more equal, administration of the law. He (Lord C. Fitzroy), while Governor of Zante, had realized the good effect of the principles of impartial justice; he had obtained through it the entire confidence of the people of that island. But how was it possible for Sir Howard Douglas to obtain that confidence while he governed entirely by the high police power vested in him by the Constitution to be used only on great emergencies. And whilst that was the case it was impossible that the good intentions of the noble Lord, the Secretary for the Colonies, could be carried out.

He (Lord C. Fitzroy) now wished to proceed to the object of his motion—to obtain a Committee to take into consideration the papers relating to the Ionian States, ordered to be printed by the House of Commons 22d. June, 1840. These papers (four in number) consisted of two letters from the noble Lord, the Secretary for the Colonies; a memorial from an Ionian, (Mustoxides), and the fourth an answer to the memorial from Sir H. Douglas. The first of these letters he could not too highly extol. In it the noble Lord said,

> "That, if it were not intended to advance farther in the grant of political rights, it must be admitted that there was little wisdom in the establishment of a government of this sort."

And yet, in the second letter, the noble Lord virtually annulled that, by saying that he

> "Yielded to the strong conviction that changes of this kind were dangerous."

Still, however, the Ionians clung to hope, and annexed to that former letter the motto of their islands, "*auspicium melioris ævi.*" Now, it was true, that there were exaggerations of statement in the memorial of Mustoxides. But were there not in the public despatch of Sir H. Douglas, the answer to this memorial, misrepresentations, and mis-statements without end? Was there not a material difference between the one endowed with a strong poetical imagination, exaggerating, in some degree, the grievances under which his country laboured? And the other, the Lord High Commissioner, from the archives of his office, misrepresenting and mis-stating to show his the better cause, to extol his own merits, and trample down a feeble adversary? Now, if Sir Howard Douglas was neither justified in his injurious attacks against the character of the Ionian people, nor his representations and statements correct, he (Lord Charles Fitzroy) thought that it was not too much to ask, that this despatch should be withdrawn from the records of the Colonial-office; and that the noble Lord's first letter (21st December, 1839), should form the basis of instructions to all future Lords High Commissioners.

He must be tedious to the House in pointing out these mis-statements; they were to be found particularly in pages 25, 33, 35, 36, 39, 42, 44, 53, and many mis-statements with regard to education. Now, in p. 25, what said Sir Howard Douglas in his despatch:—

> "The same agents, the agents of the Philorthodox Society moved by the same influence, their views directed to the same end, are the framers of this memorial."

This statement was entirely refuted by Count Viaro Capodistrias and Petrizzopulo. They shewed that the accusations made against the Ionians, individually and collectively, on account of the Philorthodox Society (existing in Athens) were calumnies, as all accusations without proofs became, and more particularly when there was an eager desire, as in this case, to avoid them. Again, in p. 36, Sir H. Douglas said,

> "With respect to the false and slanderous remarks, &c., &c., Signor Dondi, for malversation of office, fraud and peculation was subjected to a criminal prosecution. In this *I* however took no part, further than to stay the proceedings during the sitting of Parliament, that it might not be charged against the Government as an act of vengeance to remove an opposing member."

All that was true; but on Signor Dondi being acquitted of the charge brought against him by Sir Howard Douglas, before the Supreme Court of Justice, Sir Howard Douglas addressed a circular letter to the regents and presidents of the different islands to the effect of maintaining the culpability of Dondi, and blaming the judges for their acquittal of him. In p. 53, Sir Howard Douglas said,—

> "And not by words only have the Ionian people shown their contentment, for at the late elections consequent upon the dissolution of the Sixth Parliament, they flocked in unprecedented numbers to give their votes in favour of the candidates brought forward."

"Now, Sir, it is not possible to conceive that such a statement made by the Lord High Commissioner (representative of her Majesty) should not be correct. But what was the fact at this election for the members to form the Seventh Parliament? At this election, after the dissolution of the Sixth Parliament, the soldiers for duty were doubled, the artillerymen stood to their guns, the agents of police went through the country obliging all the electors to leave their occupations and go and vote, marking down on a list, the names of those who refused. And who were the persons selected by the Lord High Commissioner as candidates for this Seventh Parliament? The most ignorant and time-serving men who could be found. And all this can be proved. And this election, it should be borne in mind, (where the people showed such contentment) was carried on while the prohibition of intercourse between the islands and Greece existed, under the pretence of danger to the country, through the Philorthodox Society (in Athens). At a time, too, when all newspapers were prohibited, in order not to distract the attention of the people from the calumnious statements put forth in the only newspaper of the islands (*The Government Gazette*) as to the ulterior object of that society through the agency of Roma, Mustoxides, &c., &c." He (Lord Charles Fitzroy) complained, of the inconsistency of Sir Howard Douglas' charges against Mustoxides, Roma, Petrizzopulo, Plessa, &c., (almost all of whom served in the sixth Parliament), and whom he (Sir H. Douglas) addressed, on the 5th March, 1839, in these words:—

> "I have much pleasure in meeting the sixth Parliament of the Ionian States, and I congratulate the country, that the constitutional functions and electoral rights have been exercised so judiciously and beneficially, as to have assembled in this House, persons of so much consideration, character, talents, influence, and stake in the country, as those whom I have the honour to address. Never has the electoral body more spontaneously, cheerfully, and numerously, discharged their electoral rights, than upon the recent occasion."

"With these excellent men, Sir H. Douglas quarrels in six weeks; he prorogues the Parliament, and afterwards dissolves it; and selects a new Parliament (the seventh Parliament), of whom he only says, "They do everything that I desire." These men, amongst other things, passed the new codes of law, as he desired them, without any deliberation. Now, Sir, one word with regard to these codes of law (civil and criminal). These codes have not passed the Legislature according to the Charter of the Ionian Constitution. Another Ionian Parliament may moot the question of difference which existed between the Legislative Assembly and the Senate, in the sixth Parliament; other Crown lawyers may give a different opinion, and reverse the decision upon which the seventh Parliament now acts; which would render the codes an illegal act. The question ought to have been discussed before her Majesty's Privy Council. Arguments would have been heard on both sides; it was a slovenly mode of proceeding, deciding a point of importance on the undivulged opinions of Crown lawyers. There may be an anomaly in the Ionian Constitution, but one that may have its use. The Ionian Legislative Assembly meets every *two* years. The senate (consisting of five persons) is always sitting as the Executive Council, under the Lord High Commissioner, who uses it as his mouthpiece. Therefore, in the framing of fundamental laws, it might be quite right, that the Senate should take no part in them. And the codes are fundamental laws. Now Sir, Sir H. Douglas talks of the country becoming quiet. It never was disturbed. He himself provoked the Patriarch of Constantinople to an act for which Lord Ponsonby obtained most unjustly his (the patriarch's) dismissal. What had Sir H. Douglas required of the patriarch? To alter the religious ceremony of marriage, which, in the Greek Church, is one of the sacraments. Properly indignant, the patriarch refused; and addressed a pastoral letter to the clergy in the islands on the subject. Wantonly eager, he (Sir H. Douglas) makes use of the Philorthodox Society as a pretext for the exercise and abuse of his high police power. He (Sir H. Douglas) talks in page 42 of the despatch of a *faction.* "That the people rejoiced in the destruction of——" Why, Sir, there was no faction. Sir H. Douglas, when he raised his storm, must have his thunder, or otherwise the people, he thought, would not believe, that there was a storm. But this whole theatrical exhibition has turned against Sir H. Douglas himself. And was not Sir H. Douglas himself doubtful of his extreme popularity from his acts; otherwise, why did Mr. Gisborne (secretary to Sir H. Douglas) think it necessary to write to the Residents at the different islands (which Sir H. Douglas intended visiting at that time, to prepare for him a good reception. The agents of police were again actively employed on this occasion. The message sent to the Patriarch of Constantinople was, on the part of the Lord High Commissioner, most unjustifiable, and the dismissal of the Patriarch obtained through Lord Ponsonby, was an act of positive injustice." He (Lord C. Fitzroy) had the whole of the evidence to lay before the committee, by which it was clearly shown that there was not the slightest ground for accusing the patriarch of *meditating* anything injurious to the interests of Great Britain in the Ionian Islands. The seizing the papers of some of the most respected persons in the islands, on account of the Philorthodox Society, and neither bringing them to trial, nor opening those papers, and yet holding them still guilty, calls for inquiry. With regard to the finance he (Lord C. Fitzroy) feared to be tedious going into it at length. He should content himself with the fact of the excessive expenditure. But first, he must allude to a letter which had been sent to Corfu in April last, requesting information on this subject, which letter was detained in the post-office there many months. And he must likewise read a letter from Mr. Courage, a merchant in Corfu, who says—

> "Our post-office is invested with very great power and may at pleasure open letters."

Now, as to the finance. It could be proved before a committee, that the public works, for which the excess of expenditure was to be attributable, and detailed for that purpose in Sir H. Douglas's public despatch (page 35) in these words—

> "As having been established or decreed since my arrival in these islands"—

were, in truth, works constructed by Sir T. Maitland, Sir F. Adam, &c., &c., one or two only being Sir H. Douglas's and of no moment. And many of these works were constructed out of the municipal funds of the respective islands, drawing nothing from the public treasury for them. The Valle di Roppa is still a marsh, though stated (page 33) to have been drained and cultivated. It could be proved, that Sir H. Douglas had swallowed up the surplus left in the treasury by Lord Nugent, 126,000*l.*, the pension fund, 40,000*l.*, the amount of reduction of many salaries, and has incurred a debt of 77,000*l.*, to meet which Sir H. Douglas proposes a duty of upwards of ten per cent. on the importation of all grain.

He (Lord C. Fitzroy) thought he had shewn sufficient reason for asking for a committee, he should therefore move for a committee to take into consideration the papers relating to the Ionian Islands, ordered to be printed by the House of Commons on the 22nd June 1840.

Lord *John Russell:* The noble Lord has stated his opinion at considerable length; but I cannot gather from his speech any reasons why this House should appoint the committee he asks for. The noble Lord should recollect that we are not speaking of a colony under the direct dominion of the Crown, or with a representative government and under the direct control of the Crown, but of the Ionian Islands as constituted under the treaty of 1815, and over which her Majesty presides under the title of Protecting Sovereign. The peculiar nature of the constitution of the Ionian Islands requires, that whatever authority her Majesty may exercise as Protecting Sovereign, she ought not to exert any direct interference over it. I do not say that some special occasions may not arrive when the Minister for the Crown of the country, or the Lord High Commissioner, may so conduct himself as that some inquiry should not be called for; but the House of Commons should be very cautious before it should appoint any such inquiry, and not at all unless upon the strongest grounds. This I know, that after the noble Lord's motion last year I received strong complaints from the Ionian Islands as to the proceedings taken in this House on that occasion. The present state of the Ionian Islands shows the whole authorities acting in harmony together, and according to the constitution, the Legislature having lately assembled and passed Acts without any difference of opinion. There are no disturbances of the people, who are generally employed, and that at high wages, and is this a state of things where it is fit for the House of Commons to interfere, and to enter into questions before its committee, and to receive evidence of every sort from gentlemen, some of very lively imaginations, of great literary ability no doubt, but who, when they come to treat of political questions, allow their literary and romantic imaginations to enter into their statistical facts, and whose evidence might excite great indignation at first against the Ionian Islands' government, but which would be succeeded by the opposite indignation, that any such evidence should be given. My noble Friend has told us, that various public works have not been carried on, but I trust Sir Howard Douglas's authority in these matters, and conclude that they have been completed The question of the Philorthodox Society, I will not go into. The Greek government have not thought it necessary to go very deeply into it—the danger of it has passed—and I do not think that Sir Howard Douglas has taken any very severe measures upon it. My noble Friend said, with respect to the question of finance—on which I thought he was going to make some important statement—that a letter sent out to Corfu had been opened by the Post-office. I can give no answer to that complaint. Sir Howard Douglas frequently urged on the Government, attacked as he was by those who said he was hostile to giving free institutions to the Ionian Islands, strong representations in favour of a diminution of their burdens—a fact so highly creditable to him, that I cannot refrain from mentioning it on this occasion. Under these circumstances, then, I cannot see, Sir, that the Ionian States present any object for a committee of the House of Commons to inquire into, and particularly when I consider that no later than last year there was a very general opinion expressed in this House that there existed no necessity for making those alterations which my noble Friend appears to think requisite; and I am sorry my noble Friend has again thought it necessary to agitate this subject, because, knowing the extraordinary political activity and restless spirit of many parties connected with these islands, and the manner in which they may look at this motion, I cannot but consider the result likely to lead to still further desire for political changes, which it is impossible to realise, rather than to promote and contribute to the development of that improvement which would, otherwise, take place in the Ionian States. I shall, therefore, oppose the motion of my noble Friend.

Sir *H. Hardinge* must defend the conduct of his absent Friend (Sir H. Douglas) from the insinuations which the noble Lord opposite had made against him, but at so late an hour he would not go into the various details into which the noble Lord had travelled in connexion with the subject. At the same time he must say, he had read the letter of the noble Lord, to the noble Lord, the Secretary of State for the Colonies, respecting Sir H. Douglas with the greatest pain. With respect to the charges made against his absent Friend, that he was hostile to granting freer institutions to the Ionian States, he considered the noble Lord (J. Russell) had, in his letter of the 30th of November last, sufficiently answered all those charges, and particularly when he said that, if the changes that were claimed were granted, the people of those islands themselves would be the first sufferers in consequence. Sir H. Douglas was an active and most able officer, and he had the concurrence of the Secretary of State himself in saying that the Ionian Islands were not in a fit state for free institutions. With respect, however, to the charge or insinuation of the noble Lord (Lord Charles Fitzroy) as to Sir H. Douglas having opened a letter and replaced it in its cover, he begged the noble Lord would be kind enough to state to the

House whether he really intended to make such a charge against his absent Friend, for he could not conceive that such was his intention.

Lord *Charles Fitzroy* presumed, that the gallant Member had not heard the letter read from Mr. Courage, who distinctly states, that the Post-office was invested with the power to open letters. An authority that could only emanate from the Government. The letter that he (Lord Charles Fitzroy) alluded to, had been detained four months in the Corfu post-office, and came out from thence on delivery, with the Corfu post-mark upon it, although this letter had been sent under cover to a merchant who never received it.

Sir *R. Inglis* thought the conduct of Sir H. Douglas highly creditable, and that he was fully deserving of the testimonials in his favour which had appeared in the Ionian papers.

Mr. *Hume* said, the noble Lord, the Secretary for the Colonies seemed to imagine that the House of Commons had no right to interfere in the matter; but he (Mr. Hume) contended that there was no other tribunal to which an appeal could be made. He supported the motion, and was astonished that the friends of Sir Howard Douglas did not court the inquiry which was sought for. The Parliament of the Ionian Islands had been curiously elected under the auspices of Sir Howard Douglas. The members of that legislature had, in fact, been elected at the point of the bayonet. Under such circumstances could it be a matter of surprise that a body so elected should be loud in their expression of devotion to the party who had caused their election. The freedom of the press, too, was annihilated under physical restraint. If the House of Commons did not allow this inquiry, they neglected their duty. If the noble Lord were supported by no other Member than himself, he would advise his noble Friend to divide the House.

Sir *R. Peel* referred to a report of a finance committee on the annual expenditure of the Ionian Islands, for the purpose of showing that the state of the finances under former governors was no better than at present, and said, that if such a thing could be done as to call for a committee of inquiry of the House of Commons with respect to Sir H. Douglas, an officer who, for six years, had served his country in a post of great difficulty, it would be only equally fair to do the same with reference to all former Governors. This would lead to endless vexation, and would certainly be the very thing to make the Ionian Islands feel, not that they were under the protection of this country, as the noble Lord had pointed out, but that they were a dependency of the British Crown. The noble Lord approved of the manner in which Sir H. Douglas had executed his high functions, and it could not be said that the noble Lord had any bias in his favour. The motives and prudence of Sir H. Douglas had been approved of by the Government, and he believed that the only reason why Sir H. Douglas had been recalled, was because he had held the office of Governor of the Ionian Isles for the ordinary period, and not because the manner in which he exercised the office of High Commissioner had been disapproved of by her Majesty's Government. He was satisfied that the offensive expressions which had fallen from the hon. Member for Kilkenny in reference to Sir H. Douglas were not warranted by any thing which the noble Lord had stated, and he would appeal to the noble Lord in confirmation of this assertion.

Mr. *Hume* admitted, that the noble Lord had not censured the conduct of Sir H. Douglas, but still he thought there was sufficient ground for inquiry, although the whole of the papers had not been produced.

Lord *J. Russell* said, that the hon. Gentleman had not understood him, because what he stated was that, under existing circumstances, no such inquiry as was asked for ought to be granted.

Sir *H. Hardinge* said, that if the noble Lord disapproved of the conduct of Sir Howard Douglas he would have voted for the inquiry.

Sir *C. Grey* said, if the motion were pressed to a division, as he thought there were grounds before the House to justify an inquiry, he should vote for it.

Colonel *Rawdon* supported the motion, and expressed his belief that if Sir H. Douglas knew that his conduct was impeached, he would be the first to call for inquiry.

Sir *H. Vivian* denied that either the honour or the integrity of Sir H. Douglas had been in the least impeached.

Lord *Charles Fitzroy*, in reply, begged leave to state, that all his remarks must be considered as solely against the government of Sir Howard Douglas, having unfortunately read the despatch, the character of which he (Lord Charles Fitzroy) had not the slightest notion when he moved for it last year; but, having read it, he felt that he had a public duty to perform, to endeavour to obtain its removal from the records of the Colonial-office, as being a dangerous precedent from the many errors it contained for future Lord High Commissioners.

Sir *H. Hardinge* was satisfied with the explanation given by the noble Lord.

The House divided on the Question, "That a Select Committee be appointed to take into consideration the Papers relating to the Ionian States, ordered by the House of Commons to be printed on the 22nd day of June, 1840.":—Ayes 10; Noes 28—Majority 18.

List of the AYES.

Evans, W.
Greg, R. H.
Grey, rt. hon. Sir C.
Morris, D.
Muntz, G. F.
Rawdon, Col. J. D.
Salwey, Colonel
Scholefield, J.
Strutt, E.
Wood, B.

TELLERS.
Hume, J.
Fitzroy, Lord C.

List of the NOES.

Ashley, Lord
Barrington, Viscount
Blackburne, I.
Brotherton, J.
Dalmeny, Lord
Dundas, D.
Estcourt, T.
Gladstone, J. N.
Gladstone, W. E.
Gordon, R.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Grey, rt. hn. Sir G.
Hardinge, rt. hn. Sir H.
Inglis, Sir R. H.
Labouchere, rt. hn. H.
Maule, hon. F.
Paget, Lord A.
Peel, rt. hon. Sir R.
Praed, W. T.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Smith, R. V.
Sotheron, T. E.
Trotter, J.
Tufnell, H.
Vivian, rt. hn. Sir R. H.
Wyse, T.

TELLERS.
Stanley, E. J.
Parker, J.

House adjourned.

HOUSE OF LORDS,

Friday, April 23, 1841.

MINUTES.] Bills. Read a second time:—Indemnity.

Petitions presented. By the Duke of Cleveland, from Perth, in favour of the Jews Declaration Bill.—By Lord Hatherton, from various places in Lincolnshire, for Alteration of the Law relating to Turnpike Trusts; and from Penn, in the county of Stafford, against Sunday Trading on Canals.—By the Bishop of London, from a number of Clergymen of his Diocese, praying to be relieved from certain hardships which they suffered in consequence of the Provisions of the Composition of Tithes Act; and from Inhabitants of Clapham-road, that some measure should be adopted for the Redemption of Tolls on Southwark, Waterloo, and Vauxhall Bridges.—By the Earl of Wilton, from Merchants of Manchester, that the principle of Inland Warehousing might be extended to that town.—By the Earl of Zetland, from a parish in Scotland, in favour of Non-Intrusion.

CANAL TRAFFIC ON SUNDAYS.] Lord *Hatherton* presented a petition from Penn, Staffordshire, against the prevailing system of traffic on canals on Sundays. This was a subject to which the attention of their Lordships had been called during the last Session, and it was then universally admitted, that a great evil existed, and that a remedy should be applied. The present system was totally unnecessary, and unproductive of good to any class, either to the merchant, the labourer, or the public. With regard to one class, and one especially, deserving the kindest consideration of the House. He should, in a few days, present a petition universally signed by those boatmen who justly complained that they alone of all the labourers in her Majesty's kingdom, were restrained to work on a Sunday. They thought, and he agreed with them, that all considerations, moral, religious, and political—combined to render an abolition of this system in every way expedient. The petitioners, whose petitions he now presented, entertained the same views and made the same prayer, and with that prayer he begged to express his entire concurrence.

DRAINAGE.] The Marquess of *Salisbury* having understood that some clauses were to be introduced by the noble Marquess (Normanby) into the Drainage Bill, (the report of the committee on which was to be brought up that day) for the purpose of extending the operation of the measure to Scotland, was desirous of asking him whether he would have any objection to postpone its further consideration until these clauses had been printed.

The Marquess of *Normanby* said, that from one cause or another so much delay had already taken place in the progress of this bill, that he certainly was very unwilling to postpone its consideration still further. And he put it to the noble Marquess whether the reason he had assigned was a sufficient cause for so doing. There could be no doubt as to the necessity of some such measure in Scotland. In fact there was no part of the kingdom for which it would be so necessary; and the only object of the clauses which he intended to propose for the application of this bill to that country was, that the same principle should be adopted, and the same machinery used as in England. He accordingly thought that the best course to pursue would be to bring up the report of the committee at the present time, and to take the additional clauses into consideration on Thursday next.

The Marquess of *Salisbury* did not wish to throw any impediment in the way of the measure's progress, but he was afraid that mixing up with it the question of Scotch drainage would most seriously impede, if not altogether throw it out. Some parties had felt the greatest alarm on the question, and had drawn up a petition praying to be heard against the supposed clauses by counsel at their Lordships' bar. He had advised them not to take this step; but he thought the alarm thus proved to exist was a sufficient reason for delaying the further consideration of the bill until the additional clauses had been printed.

Lord *Lyndhurst* said, that in connection with this subject, he had received a petition from Birmingham against the Borough Improvement Bill, originally a part of the Drainage Bill, stating that that borough had possessed for upwards of seventy years a local act very similar in its provisions to the bill of the noble Marquess, which the petitioners, on this account opposed. They prayed that Birmingham might be excluded from the operation of the measure, and as commissioners were appointed by the local Act, and there was no clause in the present bill to abolish them, if it were not excluded there would be two authorities appointed for the same purpose, and endowed with the same powers, operating against each other—the commissioners under the local Act, and the town council under the bill of the noble Marquess.

The Marquess of *Normanby* said, that the case to which his noble and learned Friend had alluded, was a mere matter of detail. It would be easy either to omit Birmingham from the operation of the bill, according to the prayer of the petitioners, or to abolish the local Act. As to the strong desire of the noble Marquess (Salisbury) for the postponement of the measure, he sincerely trusted that if they agreed to postpone the consideration of the report until the earliest day in next week that the noble Marquess would not ask for, nor the House consent to, that which had been almost held *in terrorem* over them, that the parties opposing the application of the bill to Scotland should be heard by counsel at the bar against it.

The Earl of *Ripon* said, that in Birmingham, and in those places which possessed local Acts, their abolition for the sake of introducing the bill of the noble Marquess would excite the strongest opposition and discontent.

The Marquess of *Normanby:* I only suggested that as a means of avoiding the anomaly which would arise from the joint operation of the general and local Acts.

Lord *Lyndhurst:* If the power of the commissioners under the local Act are proposed to be abolished, they would certainly then have a right to be heard by counsel at the bar, which the noble Marquess seems so desirous to avoid.

The report of the committee received, *pro formâ*, with additional clauses. Further consideration postponed.

CHURCH OF SCOTLAND.] The Earl of *Aberdeen* presented a petition from a presbytery in Scotland, to which he would for a moment call the attention of their Lordships. Like most of the petitions presented from that country in relation to the affairs of her church, it was not for the abolition, but it was for the preservation and continuance of patronage in Scotland, as established by law and as at present existing. He presented this petition because it had been sent to him by a body of men whose opinions were entitled to every respect, but he at the same time lamented that these reverend gentlemen had thought it necessary to send any petition to their Lordships on the subject. On every occasion on which he had been consulted respecting the expediency of addressing petitions to Parliament as to the unfortunate position of the Scotch Church, and the applications to him had been numerous, he had always expressed his disapprobation of presenting any petition whatever. Considering the manner in which these "patronage" petitions were got up, and the grounds on which they were founded, no effect was produced by them—no great attention was paid to them, and he felt sure that no member of any party or of any description gave to their presentation the least countenance or support. This he had always declared, and this was still his opinion. Such petitions could produce no good—their character was generally too well understood. The noble Earl then presented the petition from the presbytery of Garioch, in Scotland, in favour of the present system of patronage.

The Duchy of Cornwall.] The Earl of *Falmouth* begged to put a question to the noble Viscount opposite (Duncannon), on a subject which had excited great uneasiness in that part of the country with which he was connected. Their Lordships would know that an act had been passed some years ago, called the "*Nullum Tempus*" Act, by which the powers of the Crown had been limited with regard to the laws of property in some of the Royal Duchies. From the operation of this bill, however, the Duchy of Cornwall had been excluded, and the power of the Crown, though long dormant, was alleged to be still in force. A letter had recently been addressed to a large proprietor of mines in the western part of Cornwall, by the solicitor of the commissioners of the Duchy, informing him that the ownership of the submarine minerals (viz., the contents of those mines worked under the sea) lay in the Crown, and that the lease of the present proprietor having expired in September last, the commissioners of the Duchy were willing to renew it on reasonable terms. Now he much doubted whether this claim on the part of the Crown was a just one. At any rate, whether it was legal or whether it was illegal, it had excited the greatest alarm in Cornwall, as tending to render insecure the tenures on which property was held in that county. For these reasons he begged to ask the noble Viscount whether the commissioners of the Duchy authorised the sending of such a letter?

Viscount *Duncannon* had no doubt that the letter which had been sent was fully authorised by the commissioners, but he was not at the moment prepared to afford any general information on the question to which the noble Earl had referred. He would, however, make inquiries, and state the result of them to their Lordships.

Solicitor to the Home Office.] Lord *Lyndhurst* begged to ask the noble Marquess, whether the gentleman who had been recently appointed solicitor to the Home Office, was to be allowed to hold with that office the situation of the secretaryship to bankrupts?

The Marquess of *Normanby* was glad to answer the question of his noble and learned Friend. The gentleman alluded to, had been appointed to the situation of solicitor to the Home Office, with the distinct understanding that it was impossible that he should continue to hold the office of secretary to bankrupts. He had held both offices up to the present time for the convenience of his noble and learned Friend on the woolsack; but it was never intended that both offices should permanently be vested in one person.

Lord *Lyndhurst*: I put the question because I have before me a paper of so late a date as the 31st of March, signed by that gentleman as secretary of bankrupts.

Adjourned.

HOUSE OF COMMONS,

Friday, April 23, 1841.

Minutes.] Bills. Read a second time:—Court of Chancery.

Petitions presented. By Mr. Easthope, Mr. Hawes, and Mr. Labouchere, from Bromsgrove, Great Dunmow, Devizes, Dunstable, and a great many other places, for the Abolition of Church Rates, and against Church Extension.—By Mr. Easthope, from Newport Pagnell, that the Inmates of Union Houses may be permitted to attend Divine Worship according to their Religious Persuasion.—By Mr. Brotherton, from Baptist Congregations at Beccles, Snarden, Alcester, and Chelmsford, that Baptists be allowed to make a Declaration or Affirmation instead of an Oath.—By Mr. Raikes Currie, from the Mayor and Corporation of Northampton, for a Revision of the Import Duties.—By Mr. Thornely, Mr. Ainsworth, and Mr. M. Phillips, from Tamworth, Stockport, Paisley, and other places, for a Repeal of the Corn-laws.—By Lord Hotham, from an Individual, complaining of the misappropriation of the Emigration Fund of Australia.

Small Debts Courts.] Mr. *Fox Maule* moved, that the time for the first reading of bills to establish local courts for the recovery of small debts be extended till Monday, the 10th of May. If that motion were carried he should afterwards move that the further proceedings on all bills for the recovery of small debts, be postponed till Monday, the 10th of May.

Alderman *Copeland* could not conceive on what ground the hon. Member wished to defer the consideration of those bills. He thought, that by assenting to the motion the House would be acting unfairly towards those parties who were interested in the establishment of local courts, and therefore he objected to the postponement. As the hon. Gentleman had no reasonable prospect of carrying his bill this Session, he suggested, that such bills as had been read a second time should be proceeded with.

Mr. *Fox Maule* said, he did not, like the hon. Member, despair of being able to carry the County Courts Bill this Session. He thought, that it would be a great hardship on private individuals to allow them to incur the expense of carrying their separate private bills through, and afterwards to render all their exertions useless by pressing the general bill, and under such circumstances, the House would be just as responsible for the expense to which the parties interested in these bills had been put.

Motion to extend the time for the first reading of the bill agreed to. On the motion that further proceedings on all bills for the recovery of small debts be postponed till May 10th, the House divided :—Ayes 40; Noes 39: Majority 1.

List of the AYES.

Ainsworth, P.
Alston, R.
Anson, Sir G.
Basset, J.
Blake, W. J.
Brotherton, J.
Byng, rt. hn. G. S.
Crawford, W.
Currie, R.
Duncan, Viscount
Duncombe, T.
Easthope, J.
Edwards, Sir J.
Evans, Sir De L.
Ewart, W.
Ferguson, Sir R. A.
Fitzalan, Lord
Fort, J.
Gisborne, T.
Hill, Lord A. M. C.
James, W.
Jervis, J.
Lennox, Lord G.
Lincoln, Earl of
M'Taggart, J.
Morris, D.
Muntz, G. F.
O'Brien, W. S.
Philips, G. R.
Salwey, Colonel
Sanford, E. A.
Smith, G. R.
Stock, Mr. Serjeant
Surrey, Earl of
Thornely, T.
Villiers, Viscount
Vivian, J. H.
White, A.
Wilbraham, G.
Wilshere, W.

TELLERS.
Buller, C.
Maule, hon. F.

List of the NOES.

Alexander, N.
Antrobus, E.
Baillie, Colonel
Baring, H. B.
Barnard, E. G.
Bolling, W.
Bramston, T. W.
Buller, Sir J. Y.
Christopher, R. A.
Darby, G.
De Horsey, S. H.
Douglas, Sir C. E.
Dugdale, W. S.
Duncombe, hon. W.
Egerton, W. T.
Estcourt, T.
Evans, W.
Fector, J. M.
Fremantle, Sir T.
Gore, O. J. R.
Gore, O. W.
Graham, rt. hn. Sir J.
Hardinge, rt. hn. Sir H.
Hope, H. T.
Hotham, Lord
Inglis, Sir R. H.
Knight, H. G.
Lowther, J. H.
Lucas, E.
Master, T. W. C.
Neeld, J.
Patten, J. W.
Philips, M.
Pollock, Sir F.
Scarlett, hon. J. Y.
Sibthorp, Colonel
Somerset, Lord G.
Strutt, E.
Trotter, J.

TELLERS.
Copeland, Alderman
Freshfield, J. W.

ADMINISTRATION OF JUSTICE. (BILL No. 1.)] House went into committee on the Administration of Justice, (Bill No. 1.)

The clauses to the 6th inclusive agreed to.

On clause 7 being proposed,

Sir *E. Sugden* said, that he understood this clause as transferring to the Accountant-general of the Court of Chancery the funds standing in the name of the Court of Exchequer. This arrangement, and the greater amount of business got through under the new system, would, he apprehended, very largely increase the emoluments of the Accountant-general, though the present amount of his income seemed quite sufficient for the office. The expense of the additional clerks would have to be defrayed out of the suitors' fund, or, in other words, by the public, while the increased fees and emoluments would be received by the Accountant-general. He (Sir E. Sugden) thought it desirable, that before this clause was adopted, the House should have some information as to what the future income of that officer was to be.

The *Attorney-General* was not prepared to give this information, but he did not imagine the addition to the Accountant-general's income would be considerable, for the fund of the Court of Exchequer was not large. It was to be recollected, that the labour and responsibility of this officer would also be increased by the new arrangement.

Sir *E. Sugden* said, he should propose to have the clause postponed until the information he asked was obtained.

The *Attorney-General* could not agree to this course. It was most desirable to avoid any further delay with this bill.

Mr. *Richards* said, the Exchequer fund was somewhere about two millions and a half. Certainly under three millions.

Sir *E. Sugden* said, he had not the slightest wish to cut down the salary of this very useful and efficient officer, but at the same time there was no reason why it should be unduly increased. The salary of the Accountant-general was at present about 4,500*l.* or 5,000*l.* a-year, made up of fees and the profits of brokerage. Before consenting to any increase of that salary, he wanted to have full information as to what that increase would be. He wanted to have an account of the average income of the office during the last two or three years, and an estimate of the amount which would probably be added to it by the transfer of money from the Exchequer to Chancery. When a proper explanation was given, he should be ready to agree to the clause.

Mr. *Goulburn* thought the money ought to be applied to compensate the officers of the Exchequer, instead of giving it in the shape of increased fees to the officer of the Court of Chancery. The present bill contained provisions for compensation to the officers of the Court of Exchequer.

Lord *J. Russell* understood the right hon. Gentleman to say, that this being an office which was already sufficiently paid, anything added to its emoluments ought rather to be applied, as the right hon. Gentleman said, to compensate officers who would lose their employments by this bill, or as the hon. Member for Ripon had suggested, in the payment of clerks for the accountant's office. That was a reasonable proposition, and he saw no objection to it. But the proposition of the hon. Member for Ripon, for the rejection of this clause was of a totally different nature.

Sir *E. Sugden* said, the noble Lord had only to insert a proviso in the clause, that any additional fees which should go to the Accountant-general's office, should go towards the payment of compensation to officers, and it would then meet with his approval. What he objected to was, that the clause should pass without some such explanation as this, and that the provision should be left till afterwards.

The *Solicitor-general* said, that no fees would go by the transfer of this business of the Court of Exchequer to the Accountant-general; but the additional profit would be by the brokerage. The broker would give him half his fee for the preference, the suitor paying no more. He had not heard one word said against the reasonableness of the objects of the clause under consideration, and it seemed to him, that the proposed introduction into it of matter having no connection with these objects was at the present moment unadvised. The facts relating to the mode in which the profit was made, could not furnish a reason why the funds should not be transferred to the Court of Chancery. They might take away the whole salary of the Accountant-general if they pleased, in consideration of the brokerage, but he put it to them whether it was expedient in considering the question of the transfer of the jurisdiction to mix up another question which had no necessary connection with it. Therefore, although he might admit the propriety of the object which the hon. Gentleman had in view, still he submitted, that it would be more expedient to postpone the consideration of it till a future period.

Mr. *C. Buller* thought the House much indebted to the right hon. Gentleman, the Member for Ripon, not only for what he himself had brought before it, but also for that which he had caused the hon. and learned Gentleman, the Attorney-general, to bring forward. He could not, however, see why the right hon. and learned Gentleman, the Member for Ripon, should divide the House against his right hon. and learned Friend, because his proviso was not introduced. The right hon. Gentleman might feel assured, that if he brought forward a clause embodying the views which he had stated, it would find ample support in that House. The mixing up the subject with the matter now under discussion, he looked upon as impolitic. He hoped, therefore, that the right hon. and learned Gentleman would take the trouble of preparing a separate clause, and when the subject came under the consideration of the House, he should not think, that the House did its duty, if it failed to provide other means for the payment of a public officer.

Mr. *Briscoe* thought it monstrous, that the salary of a public officer should be dependent on a division of profits with a broker.

Mr. *O'Connell* could see no reason whatever for voting against this clause. The jurisdiction of the Exchequer had already, by a former clause, been transferred to the Court of Chancery. All that now remained, therefore, was to transfer the money to where the jurisdiction was. They were going to divide on a clause to which no one objected. He would ask, how could they prevent the sharing of profits between the Accountant-general and the broker? If they did not divide the profits, the broker would get the whole. Perhaps they might think it advisable to attach the broker to the Court of Chancery? If so, let them appoint him. He objected to this opposition, which seemed to him to be used as an instrument of pressure on the Attorney-general.

Mr. *Hume* thought, that the noble Lord had risen to give the House the assurance, that though the jurisdiction was transferred, the emoluments ought not to be increased, for the transfer of the money brought with it the transfer of additional emoluments. He submitted to the Government, whether it would not be more creditable to appoint a fixed salary for their officers, than to allow these fees to continue, a system which had been abolished in so many cases. He thought, that the noble Lord ought to satisfy the public wish by bringing forward a measure to that effect.

Lord *J. Russell* said, that the hon. Gentleman had understood him rightly. He should be most glad to hear from hon. and learned Gentlemen any suggestions which they might have to make, and he would be perfectly willing to assist in carrying them into effect, if introduced in a separate clause, in such a manner as to make the emoluments a means of affording compensation to clerks for loss of salary.

Sir *E. Sugden* said, that the noble Lord should find him no captious objector. He was perfectly satisfied with the view taken by the noble Lord, and willingly withdrew his opposition.

Clause carried.

On the 19th clause, which relates to the appointment of two new Vice-chancellors, being read,

The *Attorney-general* said, that by the preceding clauses, they had abolished the jurisdiction of the Court of Exchequer, and they were now to consider how many new judges it would be necessary to appoint in Chancery. He proposed, that the blank in the clause should be filled up with the word "two." He would state shortly why he proposed, that there should be two new judges. The bill which came down from the House of Lords, last year, proposed, that there should be two, and the number had been determined on after very full consideration in the House of Lords. That House, after full deliberation, thought two necessary. Lord Brougham had been of a contrary opinion, but gave way to that of the Lord Chancellor, Lord Langdale, and Lord Lyndhurst. There had been a committee of the House of Lords on the subject, and they had examined witnesses of great experience and intelligence, and capable of giving the best information on the subject. Those witnesses were unanimous in the opinion, that two new judges were necessary. The first witness was the Vice-chancellor, and he seemed to think two hardly sufficient. He was asked whether one would be sufficient, and he said it certainly would not. He was asked, did he not think two would be sufficient, and his answer was that he thought two would be sufficient at first. An eminent chancery practitioner, Mr. Sutton Sharpe, and others, whose competency to form a correct judgment, the right hon. Gentleman opposite would not question, were of the same opinion. But if two judges were necessary when that evidence was given, they were now quite as much so. In the returns of arrears there was a slight difference. The Lord Chancellor having disposed of several causes, had struck others out of the lists, because the parties not expecting them to come on so soon, were not ready for the hearing. But these causes must, of course, come on again, and then the amount of arrears would be much the same as before. The House would recollect, that in abolishing the jurisdiction of the Exchequer, they had increased the business of the Court of Chancery. To appoint only one additional judge in Chancery, would, therefore, be giving comparatively little relief. It had been suggested, that when once the arrears were disposed of, the two judges, if two were appointed, would become unnecessary. But it was to be expected, that getting rid of the arrears would lead to a considerable increase of business. New powers had been given to the Court of Chancery, which would certainly produce this result. At present, it was an undoubted fact, that unless the sum in dispute amounted to 1,000*l*. it was vain for any one to seek for justice in a court of equity. When claims were for a less amount, professional men advised their clients rather to relinquish them than go into the Court of Chancery. He believed, that this reproach to the administration of justice in England, would soon be wiped off; but the consequence would be a large increase of business, and he agreed with the Vice-chancellor in thinking, that though two judges might be sufficient at first, it would be afterwards found necessary to increase them. He, therefore, proposed that the number contained in the bill of last year be adopted, and that the blank be filled up with "two."

Mr. *Hume* said, that when the present bill was first brought in he had had an opportunity of conversing with Lord Brougham on the subject. He had spoken to him shortly before he quitted London, and his Lordship then expressed to him his opinion that it was not necessary to saddle the public with two new judges, as he thought one enough. The Government, the noble Lord thought, ought to have profited by the experience which they had had in the creation of the Court of Bankruptcy and its four judges.

The *Attorney-General* begged leave to correct his hon. Friend. The remark of the hon. Gentleman respecting the Court of Bankruptcy was inapplicable. There it was a question of one court with four judges, while the present clause proposed to create two courts with one judge in each. He begged to remind the hon. Gentleman also, that only one vacancy could be filled up, for when the second occurred it could not be filled up without the sanction of Parliament.

Sir *E. Sugden* thought it most impolitic, unless under circumstances of the very greatest necessity, to create two new courts of justice. The learned Attorney-general said, in reply to the hon. Member for Kilkenny, that this bill differed from Lord Brougham's, inasmuch as it created but two new judges, one for each court, whereas by the bill of the noble Lord four judges were created for one court. But that did not get rid of the objection to two new courts, instead of one. Whether there were four judges or but one, there was still an additional court of justice too much, which would of course require an additional bar and additional attornies; so that unless they took great care this country would become a lawyer-ridden country. The opening of two new courts would create such a rush of barristers and attornies into them that he feared much of the business of those courts would not be done in a manner creditable to the administration of justice. The learned Attorney-general said, he would give power to the Lord Chancellor to alter the practice in the Master's Office, and that the alterations would be satisfactory. He should, however, like to know what those alterations were before he sanctioned the creation, not merely of two new judges, but two new courts, whereby they would have five separate courts of equity sitting concurrently, while there were but three common law courts. He had already on former occasions shown to the House the state of the appellate jurisdiction, both in the House of Lords and Court of Review, and, taking that jurisdiction altogether, it was a great reproach to the country that it should have been so long allowed to remain in its present state. But what would the consequence be of creating two more courts? Why, that they would have four judges, not only of co-ordinate, but of subordinate jurisdiction, sitting at the same time; and it was utterly impossible to suppose that those judges would not be deciding different ways upon different questions of law. It would consequently require great pains and great length of time to keep right the law of England with so many different judges adjudicating in those different courts. The Lord Chancellor had already more than he could do; and yet either he must hear all the appeals from three courts, which of itself would suffice to occupy the whole of his time, or they must be brought to the House of Lords. Then, if they happened to have a Master of the Rolls superior in legal knowledge and experience to the Lord Chancellor, they might find the opinions of the better man overruled by one less versed in the law, and less approved of by the profession. If they went to the House of Lords to decide between the two, they still had but the self same man who decided in the court below, against a court of inferior jurisdiction. He had before shown that there was no necessity for those two additional courts. The Vice-Chancellor, he believed, was of opinion that one additional judge in the Court of Chancery would be quite sufficient. Even if two could be proved requisite, why create them both at once? The appointment of a new court of justice was a great and serious alteration. He saw no reason, therefore, why, even admitting the necessity of two courts to exist, they should not postpone the appointment of the second until they saw how the first would operate co-ordinately with the three already in existence. For his part he firmly believed that the creation of those two courts at the same time would lead to an incalculable amount of mischief. It was provided by this bill, that upon the demise of the first judge the office should be filled up, but not upon the demise of the second. It must be observed, however, that then they would have brought into practice an additional number of barristers and solicitors to meet the demand of that court. What was to become of those gentlemen? What was to be their employment? These were questions which led him to believe that plenty of reasons would be found and strongly advanced for continuing that second court; for he was of opinion, that whatever number of courts they created, the business to be done would accommodate itself to that number, however well it might be done with less. The right hon. Gentleman concluded by moving that the blank be filled up with "one" instead of "two."

Mr. *Lynch* was of opinion, that suitors without courts was a much greater evil than courts without suitors, and was the particular evil which now pressed upon the public, and which it was now sought to remedy by the creation of two new courts. Without this assistance it was quite impossible that the Vice-Chancellor and Master of the Rolls, could get through the enormous heap of business that was now before them; and, looking at the nature and amount of that business, he had no hesitation in saying, that less than two new courts would be insufficient. His right hon. and learned Friend said, that there were now only three courts of common law, and why, therefore, was it necessary to appoint two new equity judges? Why, his right hon. and learned Friend forgot that now, besides the three courts of common law, there was the Bail Court, and a separate judge of each court almost sitting daily at *Nisi Prius;* so that there were fifteen common law judges constantly employed, at an expense of 75,000*l.* per annum, and why should any objection be made to the establishment of five equity judges at an expense of 24,000*l.* per annum, when it should be remembered that in the Chancery Courts more real and substantial business was done than in all the other courts put together? This measure would put an end to all the mischiefs and delays which now existed in the administration of justice in the Court of Equity, and he therefore trusted that the clause as proposed would be agreed to.

Mr. *Pemberton* said, that though he thought the House and the country were much indebtedto his right hon. and learned Friend (Sir E. Sugden) for having brought the matter so fully under their consideration, still he was not prepared to give his assent to all the propositions which had been urged by his right hon. and learned Friend. It was, however, only in deference to the evidence which had been given on this subject before the Select Committee of the House of Lords—in deference to the opinions held by those learned persons of all political parties who had held judicial offices—in deference also to the opinions expressed by those members of the profession who were better judges than himself of the extent of the impossibility of obtaining justice in the courts of equity as at present constituted—opinions expressed in a petition signed by between sixty and seventy of the principal firms in London—he did not feel prepared to oppose the proposition of her Majesty's Government, made on their responsibility and after a consideration of the evidence which had been adduced on this subject. When he said this, he must at the same time state that he thought the country had great reason to complain of the mode in which this measure was now brought before the Legislature. When a bill precisely similar to the present was brought down from the House of Lords at the close of last Session, the noble Lord opposite postponed the consideration of that measure, because he told the House and the country that there was not then sufficient time to consider a bill of such deep importance. The noble Lord also stated, that this change was connected with many others that were in the contemplation of the Government, and which would have a material bearing upon the particular measure now under consideration, and the noble Lord told the House and the country, in language stronger than he should like to make use of, that the mode in which the business of the judicial committee of the Privy Council was administered was a discredit, not to say a disgrace, to the country. The noble Lord on that occasion also agreed, that the Court of Review was another establishment which of necessity must undergo investigation. That court, it was true, had been allowed to dwindle down from four judges to one judge, and he was sure that it would meet with universal approbation if that court were wholly abolished, and the solitary judge that was left, appointed to some other office for which his learning and acquirements fitted him. The amendment or improvement of the supreme court of appeal, the House of Lords, was also a matter closely connected with the subject now under consideration, and yet of this the noble Lord was now silent. If the Court of Review was to be abolished, surely this bill ought to provide for adding its jurisdiction to the new judge in equity to be appointed under this bill, and thus, if there was any deficiency of business for the new court, this arrangement would furnish a supply. But he asked, was it fair on the part of the Government towards the country, when bringing this isolated measure forward, not to tell the House what were their views on these important subjects? Was it right, after the first Minister of the Crown in that House had pronounced such a sentence upon one of the most important tribunals, that it was a discredit, if not a disgrace, to the country, that the House and the country were now unable to learn from the noble Lord, or from the law officers of the Crown, whether it was intended to make any alterations in that court, and if so, what those alterations would be? With respect to the particular question now before the committee, considering as he did the absence of even more important topics, he would state very shortly the reasons which induced him, in deference to the evidence which had been given, and to the facts and documents now upon the Table, not to oppose the proposition which had been made by his hon. and learned Friend, the Attorney-general. Look at the evidence which had been adduced before the committee of the House of Lords. Some of the leading Members of the profession had there been subjected to a strict cross-examination by some noble and learned Lords who sat upon that committee. The effect, however, of that evidence went to prove that the average arrear of causes in the Court of Chancery was between 600 and 700. In the Vice-Chancellor's Court a period of from two to three years must elapse between the time at which a cause was set down for hearing and the time at which it would be heard, and that in the ordinary course of business some causes came on twice, and sometimes oftener, for hearing. Now, he believed that his right hon. and learned Friend was right when he said that these delays not unfrequently led to compromises; but still, if 24,000*l.* per annum, would enable justice to be administered without delay, it seemed to him that the expenses of two additional judges would be compensated by the relief from delay which would thus be given to suitors. Such then had been the evidence which had been produced from all quarters to satisfy those who were but little disposed to be satisfied, but who finally arrived at that conclusion. Had anything since happened to alter that determination, and what was in point of fact the real state of business at present? The total number of causes in a state for hearing in the Rolls Court was 139. Undoubtedly, this was an arrear, but nothing of an arrear compared with what they were accustomed to see, not only in the Court of Chancery, but even in the courts of law. But still that was not a satisfactory position of affairs. The cause, for instance, which had been heard to-day, was set down for hearing so long ago as the month of July last. And during these long delays, look at the accidents by which the hearing of a cause might be still further postponed. Suppose twenty parties to a suit, and one of those parties, unhappily for the rest, should happen to die in the meantime. Why, in that case, a new suit would be superadded, because the old original suit was rendered defective by the death, and although eight or nine months might not be long to wait for the recovery of a demand, yet a further extension of delay became a grievance and a hardship upon the suitors, from which he for one should be glad to see them relieved. He thought it was desirable that the state of business in each court should be such, that when they rose for the vacation, no suitor who was ready for a hearing should remain unredressed. But if this was the state of things in the Rolls' Court, what was it in the Vice-Chancellor's Court? His hon. and learned Friend the Member for Galway (Mr. Lynch) had underrated the number of cases in arrear in that court. He presumed that his hon. and learned Friend excluded from his calculation causes which were abated, but the number of causes set down in the book he held in his hand was 619. Now, what was the progress made in hearing causes, as shown by the returns which had been obtained by his right hon. and learned Friend (Sir E. Sugden)? The progress made in disposing of causes in the general paper last year was 173, excluding all short causes. Now there was on the roll of the Vice-Chancellor's Court 619 causes set down, and disposing of them at 173 or 200 causes each year, from two to three years must elapse before they were all heard. He felt very sensibly the inconveniences of such a system of delay, and he trusted they would be obviated by the appointment of two new judges. If he did not anticipate an increase of business by this addition he should be ready to join with his right hon. and learned Friend in the objection to a multiplication of courts, which might be unnecessary. There was one point in this bill of which he highly approved, he alluded to the provision for enabling the Lord Chancellor to make rules and regulations for the improvement of the practice of the Court of Chancery. He (Mr. Pemberton) was well aware that several members of the bar of opposite politics had most honourably devoted themselves to that subject, and were now, and had been for months engaged in considering alterations and framing regulations and rules which might be introduced into the practice of the court, and be productive of the greatest possible benefit to the suitors, and induce a great influx of business, by not only removing the delays in the hearing a cause, but the delay in the final prosecution of a suit in the Master's office. In this state of things, he thought that when the Government took upon itself to have two new judges appointed, when they were backed by all the authorities as derived from the witnesses who had been examined, and though he felt forcibly some of his right hon. and learned Friend's objections, still, on the whole, he (Mr. Pemberton) was not inclined to oppose the proposition of the hon. and learned Gentleman opposite.

Mr. *C. Buller* felt it was great presumption in him to intrude himself upon a debate on the practice of a court with which he had no acquaintance, but he looked on this as the first step towards a great and useful series of law reforms. He was glad the commencement had been made with the Court of Chancery, because its delays had been, and still were, productive of great misery. He was quite prepared to agree with his hon. and learned Friend who had just sat down, that the reform would be incomplete with this measure only, and until the Government proceeded to introduce those measures which had been promised last Session. The present bill was, however, a safe measure to introduce by itself, for it merely added two new judges to those who were insufficient for the work to be performed. To show the hardship of the present system he would mention a case with which the hon. and learned Member for Ripon was no doubt well acquainted, that of "Day v. Croft." A person died, and left property of the estimated value of 400,000*l.* The wife and daughter made an application to the Master of the Rolls for relief, under the following circumstances:—they had each an annuity of 3,000*l.* bequeathed to them by the testator, but in consequence of some litigation with which they had nothing to do, the property was tied up in Chancery, and they could not touch a single penny of it. They had been compelled to borrow money to the amount of 12,500*l.*, and were paying interest at the rate of 625*l.* a-year. More than that, they had insured their lives by way of security. Their claim was utterly undisputed, and yet they were deprived of their property. There were several other annuitants under the same will, who were suffering in consequence of the property being in Chancery, some of them being reduced to extreme distress. For instance, one of them having received 40*l.* a-year from Mr. Day during his life, had the same amount bequeathed to him, but his income was now stopped, and he had no other resource, and nothing in prospect but the workhouse. He would ask the hon. Member for Kilkenny, and those hon. Gentlemen who were lovers of economy, whether, looking at such cases as these, they could object to the expense of additional judges as a remedy? There was another case in which the parties had been kept out of their property for forty years, although a considerable sum had been paid into court. The right hon. Gentleman had objected to the measure on the ground, that it would cause an increase of litigation; but he (Mr. Buller) considered that it was better to increase litigation than not to do justice. Property in Chancery might now be regarded as property in reversion. It was common in the city to threaten parties who would not consent to a compromise that the matter in dispute should be thrown into Chancery. Out of 100 bills filed not more than sixty would be set down for hearing, and before the hearing came on, at least a third of them would be disposed of. Such a terror was entertained with regard to the Court of Chancery that people would rather submit to a compromise, than wait for its adjudication. Would not the right hon. Gentleman himself, if he had a legacy of 10,000*l.* left to him, rather accept of 8,000*l.* than go into Chancery? He believed he would. He concluded by declaring his conviction that there could not be a worse kind of economy than that of refusing justice because of the expense which would be incurred in providing a sufficient number of judges to administer the law. He trusted then, the House would consent to the measure which had been called for by the almost unanimous voice of the profession, as well as by the public at large.

Sir *E. Sugden* said, that if a thousand more judges were called into existence, still the evils complained of by the hon. Gentleman would not be removed, because they did not originate with the judges, the fault being partly in the rules of court and partly in the complicated claims of the different parties who were not agreed among themselves, as in the case referred to by the hon. Gentleman. The widow might say — "Give me my annuity." But the answer to that was, naturally enough, "Stop until we see that the estate is sufficiently clear of all liabilities to afford you the full amount you claim." The hon. Gentleman had asked, supposing a legacy of 10,000*l.* were bequeated to him, would he not take 8,000*l.* rather than stay in the Court of Chancery? To be sure he would. But he would then file a supplemental bill to make the adverse party account for the difference. He must say, that a more insensible and absurd project had never been launched in that House than this bill, which proposed to abolish the Exchequer Equity Court. Why, Mr. Baron Alderson had stated, that the Court of Exchequer did fifty days' work in a year, and that by a little arragement between the four judges, the whole time of one judge might be saved and made otherwise available to the public. He could not understand why a permanent court should be abolished to set up a temporary court, but if they proposed to do away with one permanent court to establish another, that would be intelligible. He ventured to prophecy, that if the noble Lord's two new judges courts were once established, they would not be temporary but permanent courts. If two new judges were appointed, he thought there would be a gross breach of duty on the part of Government, if business were not provided for them by abolishing the Court of Review, and transferring the bankruptcy business to the Court of Chancery, the establishment of which would then be quite equal to the additional amount of causes. He should not divide the House upon the clause, but it was his firm opinion that Government was taking a wrong course in this matter.

The *Attorney-General* said, the right hon. Gentleman thought that the equity jurisdiction of the Court of Exchequer should be retained, and quoted Mr. Baron Alderson as an authority in support of that opinion. Now he would refer the right hon. Gentleman to Mr. Baron Alderson's evidence, question 494, in which he was asked,

> "Is it your opinion that the Court of Exchequer will make an effective court of equity without an additional baron, devoted exclusively to that department."

The answer was,

> "I should say certainly not; that is my decided opinion; there should be one judge who should take the whole of the equity business, if the court is to be retained as an equity court."

If, then, it was necessary to have an additional judge, it would be much better to make him a Vice-Chancellor and abolish the Equity Exchequer, thus making the equity jurisdiction uniform and harmonious.

Mr. *J. Stewart* could inform the House that although Lord Brougham had formerly thought that the appointment of one judge would be enough, that noble Lord was now firmly of opinion that the appointment of two was necessary. He was of the same opinion, because at present there was a delay of three years between the setting down of a cause and its hearing — a delay which induced many persons to allow themselves to be robbed rather than incur the expense, and trouble, and delay of a Chancery suit.

Mr. *Wakley* said, he had little hopes of good from this reform, which originated with the lawyers. But was it not to lawyers that all the scandalous abuses and delays which disfigured the present system of administering justice were to be ascribed? It had been remarked, that it was the rules of court which stood in the way of justice, in the case of "Day and Croft," to which allusion had been made. Did not common sense then enjoin, that before appointing new judges the existing judges should be made to do their duty? Why did not the judges remove the obstacles and impediments to justice which were created by inefficient or pernicious rules of court? He feared that the increase in the number of judges would cause an immense increase of barristers and solicitors. The principal difficulties in reforming the administration of justice were caused by the too great number of barristers, and the present bill he feared, would do nothing towards removing the real source of the evils complained of.

The word "two" was inserted, and the clause agreed to, as were also the clauses up to 24 inclusive.

On the 25th clause,

Sir *E. Sugden* asked, if it were intended to make the two judges independent of the Lord Chancellor. He thought it would be derogatory to the dignity of their office if that were not done.

Lord *J. Russell* replied, that they would be placed on the same footing as the present Vice-Chancellor.

Clause agreed to, as were the following to the 28th inclusive.

On the 29th clause,

Mr. *Aglionby* inquired if any alteration were to be made in the offices of the courts, especially those of the six clerks?

The *Attorney-General* said, the Lord Chancellor was now preparing, with the assistance of able and experienced advisers, a set of regulations for the conduct of the business in those offices, which, it was hoped, would prove beneficial to the suitors, and satisfactory to the public.

Clause agreed to, as were the succeeding clauses to the 35th. On that clause, and on the question that the blank be filled up with the sum 5,000*l.*,

Mr. *Pemberton* thought it would be necessary to give a higher salary for the additional Vice-Chancellors. Considering the enormous weight of the duties which they would have to perform, and in which they would be deprived of the assistance and advice which were available to other judges; considering, too, that the Master of the Rolls had a salary of 7,000*l.* a year, he should move that the salary of the Vice-Chancellors, instead of 5,000*l.* a-year, as proposed by the clause, should be 6,000*l.*

Lord *J. Russell* remarked, that the salary proposed by the clause was the same with that received by the Puisne Judges, who had many and great expenses to defray out of their income.

Sir *E. Sugden* thought there was no analogy between the case of a Vice-Chancellor and that of a Puisne Judge. The committee had no idea of the immense amount of labour which the former would have to go through. He had not like other judges, the advice and opinions of other persons to help him. He had nothing to depend on but his own learning, ability, and industry. If the noble Lord placed the rank of these judges too low, and at the same time gave so low a salary, he feared there would be a difficulty in finding men of proper standing and character to accept the office. Such a course would be calculated to lower the character of the office. For his own part, he would declare, and the noble Lord would admit him to be a fair witness—that no human inducement would make him undertake the immense amount of care and labour appertaining to the office. If new courts, with single judges, were to be appointed, they should bear in mind the difference between the position of such functionaries and that of judges sitting in courts with perhaps, four or five others, and allow a fair remuneration.

Mr. *Hume* hoped the noble Lord would not listen to the recommendation of the right hon. and learned Gentleman to reconsider this subject. Indeed after the lecture on economy delivered by the right hon. Member for Tamworth last night, he thought that the noble Lord could hardly be expected to listen to any suggestion of the kind coming from the other side of the House. The right hon. Baronet had reproached the Government, and reproached their party with extravagance; let the noble Lord take warning in time, and not fall into similar errors for the future. With respect to the salary proposed by the clause, he thought that it was quite sufficient; 5,000*l.* ought to buy the services of any man in England—he meant of any lawyer. Why the President of the United States had only 5,000*l.* a-year. He repeated again his hope that the noble Lord would not listen to what he must term the unreasonable proposition of the right hon. and learned Gentleman opposite.

Amendment withdrawn.

5,000*l.* inserted. On the question that the clause be agreed to,

Mr. *Pemberton* said, that there was at present some difference of opinion on the state of the law with respect to masters in Chancery, and certain other judicial functionaries holding seats in Parliament. The question, he remarked, ought to be arranged in some settled manner.

Mr. *Hume* said, that Lord Brougham had declared to the committee up stairs, at the time the former bill was under consideration, that Masters in Chancery should be excluded from seats in the House. He thought that a functionary, who was paid by the public, should give his time to the performance of his duties in Court, and not neglect those duties by taking part in the proceedings in that House. He did wish to interfere with the seat of the existing functionary, but his successor should certainly be excluded.

Lord *J. Russell* said, that having conversed with his hon. Friend, the Attorney-general, they were both of opinion, with the right hon. and learned Gentleman opposite, that the seat of the existing master should not, at any rate, be disturbed. The question raised by the hon. Member for Kilkenny, as to the successor of that functionary, was a distinct one altogether. Some understanding should be come to, but he retained his opinion, that it would not be advisable to exclude Masters in Chancery. His hon. Friend, the Attorney-general, had other occupations as well as the master, and yet no one could say that he should be excluded. He could not help thinking, that the more they excluded persons qualified to give correct and proper legal opinions, the more they would lower the character of that House.

After a few words from Mr. Hume,

Mr. *Lynch* said, he considered his holding a seat in that House would not disqualify him for performing his duties as Master in Chancery.

Sir *E. Sugden* said, the difference was, that his hon. and learned Friend sat for a place in Ireland, and it had been decided that he could do so. But it had not been decided that a Master in Chancery in England could not, as the representative of any English constituency.

Sir *W. Follett* said, he perfectly agreed with the noble Lord (J. Russell) that nothing would be more injurious to the character of that House, than laying down the principle, that persons holding judicial stations should not sit in it. He thought that the more persons of station and learning they had in the House, the more its character and usefulness would be increased. A judicial office should not act as a disqualification, unless there were other circumstances which would make it impossible for a functionary to fulfil his duties properly.

Mr. *Ewart* reminded his hon. Friend, the Member for Kilkenny, that judges were not excluded from the Chamber of Deputies in France.

Mr. *Jervis* only regretted, that his hon. and learned Friend, the Member for Exeter, had not made his very excellent speech last session—when, by what he considered a most unwise decision, the Judge of the Admiralty was excluded from sitting in that House in future Parliaments. He hoped he might give notice, on his hon. and learned Friend's part, that his hon. and learned Friend would make a motion to remedy the blunder of last session.

Sir *W. Follett* could inform his hon. Friend opposite, that he had not voted for the exclusion of the hon. and learned Member for the Tower Hamlets. If he had been in town when the decision alluded to was come to, he should have voted against it. He considered it a most unwise decision. He thought that case, in which the holder of an old-established office, whose occupiers had so long sat in Parliament, was thus excluded, fell precisely within the range of the present question. And if his hon. and learned Friend brought forward any proposition to alter or rescind the decision of last Session, he should have his (Sir W. Follett's support.)

Mr. *Hume* said, whatever might be the opinions of the learned Members of the House, he must again protest against the admission of judges to seats in Parliament.

Clause agreed to.

Clauses to the 52nd agreed to.

On the 53d Clause,

Mr. *Hume* said, that it would save him the necessity of making an annual motion, if a clause were inserted in the present bill, providing that an account of the Suitor's Fund should every year be laid before Parliament.

The *Attorney-General* had no objection to insert such a clause.

The *Chancellor of the Exchequer* then proposed to substitute the following clause for clause 56, which had been expunged:—"And be it enacted, that it shall be lawful for any officer of the Court of Exchequer, who was appointed to his office or employment in that court prior to the 14th day of March, 1840, whose office will be abolished or affected by the operation of this act, to make a claim for compensation within six months after the passing thereof, to the commissioners of Her Majesty's Treasury, and the Lord Chief Baron of the said court for the time being; and the said commissioners and the Lord Chief Baron shall proceed, in such manner as they may think proper, to inquire whether any compensation ought to be made to any such claimant, and, if any, what were the lawful fees and emoluments in respect of which the same should be allowed; and in every case in which such claim shall be established to the satisfaction of the said commissioners and the Lord Chief Baron, they are hereby authorized and empowered to fix and determine, by an order under their hands, the amount of the annual compensation which shall seem to them to be just and reasonable for the loss sustained by such claimant, not being in any case, where his office is wholly abolished by, and he shall not be appointed to any other office under this act, less than three-fourth parts of the full net annual value of the lawful fees and emoluments of the office so abolished, and the amount of such annual value as aforesaid shall be ascertained and fixed by the said commissioners and the Lord Chief Baron, according to such an average of yearly receipts and disbursements, prior to the passing of this act, as they shall think proper; and the said commissioners and the Lord Chief Baron shall have full power to award, in any case in which they shall think fit, such annual sum by way of compensation, to any such claimant who shall be appointed by or under this act to any office or situation in the Court of Chancery, in addition to the salary attached to such office or situation, so long as he shall hold office under this act; and also, an annual sum by way of compensation, to become payable when he shall, with the sanction of the Lord Chancellor, have resigned such office; and all the compensations, fixed and determined as aforesaid, shall be issued and paid and payable by the accountant-general of the Court of Chancery, by virtue of an order or orders for that purpose to be made by the said Court of Chancery, out of the interest and dividends that have arisen or may hereafter arise from the Government or parliamentary securities, now or hereafter to be placed to two several accounts in the Bank of England, standing in the name of the said accountant-general of the Court of Chancery, and intituled, 'Account of the monies placed out for the benefit and better security of the suitors of the High Court of Chancery,' and 'Account of securities purchased with surplus interests arising from securities carried to an account of monies placed out for the benefit and better security of the suitors of the High Court of Chancery,' or either of them (but subject and without prejudice to the payment of all salaries and sums of money which by any act or acts now in force are authorised to be paid thereout): Provided always, that an account of all such compensations shall, within fourteen days next after the same shall be so granted, be laid upon the Table of the House of Commons, if Parliament shall be then assembled, or if Parliament shall not be then assembled, then within fourteen days after the meeting of Parliament then next following: Provided also, that no person who was appointed to his office or employment in the said Court of Exchequer, after the said 14th day of March, 1840, shall claim or shall be entitled to any compensation whatever, in consequence of the said office or employment being abolished, or affected by this act." [Mr. *Hume.* Why was this clause preferred to the other?] The clause was proposed on his part because there was much objection to the clause as it now stood, which left the decision entirely in the hands of the Treasury; and because, also, he wished the House to decide on the question as it affected certain officers of the Court of Exchequer in Equity rather than the Treasury. The point at issue in respect to one of these gentlemen, Mr. Scarlett, of whom he (the Chancellor of the Exchequer) desired to speak with all possible respect, was, whether a person appointed to an office, after such notice had been given of the abolition of that office as the introduction of a bill by the highest legal officer of the Crown was calculated to convey, was entitled to any compensation for such abolition; and, if so, at what amount should it be fixed. He did not desire to say anything in the slightest degree personally unpleasant to Mr. Scarlett; but he apprehended that the rule on which the Treasury had always acted in such cases was adverse to such claim. That rule was the same as had been applied to the analogous cases of corporate officers appointed after the first introduction of the municipal bill. In the beginning of the last year the Lord Chancellor had brought in a bill for the abolition of the office held by Mr. Scarlett, in conjunction with the creation of two new courts, and he considered the case of that gentleman perfectly analogous to that of those corporate officers appointed under similar circumstances, and that it should be dealt with in the same manner. That was one ground on which he rested his argument against this claim. The other was on its analogy to the case provided for by a bill, the 1st of Wm. 4th, introduced into the House by the right hon. Baronet the Member for Tamworth. That bill received the Royal Assent on the 4th of July, 1830, and yet it provided that compensation should be claimed for fees affected by it after the 24th of May, thus giving an *ex post facto* operation to it, on account, of course, of the previous notice given to all claimants by the introduction of the bill, He hoped, therefore, that the House would decide the point, and he hoped still more that they would do so as judges, not as partizans. It would be most painful that the head of the Court of Exchequer and the Treasury should be at issue on the point, and he thought it best for the House to decide it. It had been stated that in law it was necessary that the vacancy to which Mr. Scarlett had been appointed should be filled up, but it seemed to him (the Chancellor of the Exchequer) that, after such notice of the intentions of the Government as had been given, in good sense it would be far better that it was not, or, if it was imperative to do so, that it should be filled provisionally—the holder to render himself liable to certain conditions connected with the abolition. It was a very common case to give an appointment subject to such conditions; and, therefore, in his opinion, the necessity was not at all established. He trusted, however, that the House would, in dealing with the question, dismiss all party feeling, and act in the spirit of judges alone. With this hope he should leave the question to their decision.

Sir *W. Follett* trusted that the hope of the right hon. Gentleman would be realised, and that justice, not partisanship, would guide the decision of the House on the question. He thought, however, that the speech of the right hon. Gentleman was not greatly calculated to lead to such a consummation of his desires. The right hon. Gentleman had stated that the clause before the House was introduced because the Treasury did not wish to decide on the question; but he had instanced three decisions in the cases of corporate officers under the municipal act, as a proof of those powers to do so if they had chosen. Now, he did not well know what was the power of the Lords of the Treasury, but this he knew, that they had no power at all to decide who or who were not entitled to claim compensation under the municipal act, because it was expressly provided that all persons holding office at the passing of that act, were entitled to compensation. The right hon Gentleman, therefore, could hardly have recollected the provisions of that act, or he must have acted disingenuously in stating the case as he did. The right hon. Gentleman was also mistaken in his other case. But, without entering into any precedents, the abolition of the office gave the holder a title to claim compensation for his deprivation. The right hon. Gentleman had alluded to the 1st of William 4th but the case before the House rested on a very different foundation. In that act, however, the right hon. Gentleman had forgotten to state that the claim for compensation, though apparently retrospective, was in reality, not so at all, for it was only barred from the period of the introduction of the bill, the 24th of May, 1830. The right hon. Gentleman's clause, unlike that, however, was purely retrospective, and went back, not alone from the latter end to the middle of a Session of Parliament, but from one Session to another, instead of being prospective, as all such measures should be. Sufficient importance had not been attached to the consideration whether it was possible that the place could remain vacant. It was true that there was every reason to suppose that some bill more extensive than the one which had been proposed would pass, but could the Lord Chief Baron in the meantime allow this office to remain vacant? Under the 1st of George 4th c. 35, it was actually imperative in the Lord Chief Baron to appoint some one to this office;

but, independently of that obligation, how was it possible that it could remain vacant? If no one had been appointed the whole business of the Court of Exchequer must have stopped; but the right hon. Gentleman (the Chancellor of the Exchequer) said that it would have been easy to get a gentleman to fill up the gap, with an understanding that he should not receive compensation. The person appointed must be a barrister of a certain standing, and it was not easy to get a person in a profession to give up that profession without some adequate advantage. Whom could they get to fill up the gap? He was satisfied that no one could be found to fill the office with notice that he was to receive no compensation. Well, the office had been fiilled up, and he asked whether there had been any precedents in which, under the same circumstances, compensation had not been given? The right hon. Gentleman had searched for precedents, but none were to be found, for the case which he had quoted was one of a prospective notice that no compensation was to be given, whereas this was retrospective. In that case compensation was given to all persons holding offices that were abolished, and the same was done with regard to the Corporations bill. He must say that it was very unfair towards the hon. gentleman who filled this office that he should be singled out to make a precedent in the first instance. The right hon. Gentleman had said, too, that he was willing to grant compensation to the purchasers of offices; but surely the case of persons acting under the obligations of an Act of Parliament was stronger. He hoped, then, that in the absence of all precedent, the House would not make anything like a personal affair of this, but, when they found that it was necessary that the vacancy should be supplied, that they would deal with this as with every similar case, and give compensation to all those whose offices they took away, and he might be permitted to say that he could not conceive anything more unwise than that that House should lay down narrow rules with regard to grants of compensation. Their object was to effect beneficial changes, andto do so without injury to individuals. But if they drew the line of compensation too narrowly they would raise up opposition, and probably powerful opposition, to these changes. The Legislature, however, had always dealt liberally with such cases, on the ground of vested interests; and he hoped that the House would feel that this was a vested interest, and deal with it accordingly. He would, therefore, move as an amendment, that the date proposed to be inserted by the right hon. Gentleman should be omitted, and that all persons holding any office abolished by this Act might claim compensation according to the modes and forms of proceeding provided in the act.

The *Chancellor of the Exchequer* concurred to a certain degree in the policy of the hon. and Learned Gentleman. He would never be a party to dealing harshly or unfairly with persons who, without notice, were deprived of their offices by the power of Parliament; but he could not regard in the same light parties who had taken their offices with a full knowledge that they were to be abolished; and he should say that it was a dangerous principle for the House of Commons to sanction—that whatever the time at which the appointment was made, whatever might be the known intention of Parliament, if the act had not actually passed, and a life dropped and the vacancy was filled up, then the holder of the office should receive the same amount of compensation as if he had held it for forty or fifty years. With regard to the appointment of Mr. Brougham, he understood that that took place several years before the bill passed; the appointment, he was informed, was in March, 1831, and the bill passed in August, 1833. Now, he asked, was there a gentleman in that House who seriously believed that parties could not have been found to fill this office upon the understanding that they were not to receive compensation if Parliament abolished the office? He had no personal feeling on the matter; he was only desirous of ascertaining the opinion of the House on the subject.

Mr. *Goulburn* said that on former occasions he had opposed similar attempts to give a retroactive operation to Acts of Parliament. When the noble Lord opposite had introduced a bill as to the residence of the clergy and pluralities, he had sought to give the measure a retroactive operation for three sessions, because he had given notice then by bringing forward a bill; but he (Mr. Goulburn) took the objection at once, and the noble Lord acquiesced in the arrangement which he then suggested, and altered the date of the bill. The Ecclesiastical Benefices bill was also pending before Parliament for a considerable time; and the noble Lord, not being able to pass it in the particular Session, brought in a bill which prohibited the conferring of the benefices in question until the subject had been discussed; and so in this case, if the Attorney-general had intended that no compensation should be given, he ought to have brought in a bill prohibiting the appointment, or have warned the Chief Baron, who was bound by law to make the appointment, of that intention. He objected to this system on principle. There was no justice in giving notice of a bill in one Session, not passing any measure till three or four Session afterwards, and then denying compensation to parties appointed in the interval. Upon these grounds he should support the amendment of his hon. and learned Friend.

Sir *Robert Peel*—Did I understand the right hon. Gentleman to say that the purchasers, to whom he is willing to grant compensation, purchased their offices after the notice had been given of the intention to abolish them? He says the salaries of these offices are but small; but this is a question of principle, and I understand the case to be this:—After this notice had been given, two persons purchased offices with full notice that they were to be abolished. For them the right hon. Gentleman proposes compensation, but where is the distinction between that case and the case of the Lord Chief Baron exercising, in the case of a death, that duty which the law imposed upon him? If these purchases were made after the notice, on what principle does the right hon. Gentleman propose to deprive of compensation the person appointed by the Lord Chief Baron?

The *Chancellor of the Exchequer* said, that the offices to which the right hon. Baronet had alluded, were small appointments attached to the office of hereditary usher of the Court of Exchequer, which that officer had always had the power of selling, as much as any other part of his property; and the House would draw a distinction between a man holding property of that sort, which might be a subject of family arrangements, and a public officer, a Judge, who merely had the appointment in trust for the country.

Lord *John Russell* said, that he recollected a case bearing some resemblance to the present, which arose with regard to the provision for compensation made in the First Fruits and Tenths Act. Before that bill passed a vacancy occurred at the board, and he appointed a gentleman who had been acting as his private secretary; but when the bill passed, although compensation was granted to some gentlemen, as to that particular office none was claimed or expected, and he, in his position, should have considered it wrong to hold out to that gentleman any prospect of compensation—but certainly the Lord Chief Baron did not stand exactly in the same position. He did not complain of the hon. and learned Gentleman for bringing forward this subject. It was a question upon which two opinions might fairly be held; and all that his right hon. Friend wished was that the House should decide it.

Mr. *Pemberton* could not agree with the Chancellor of the Exchequer in thinking that there would be no difficulty in procuring gentlemen to fill this office for a few months, without any prospect of compensation when it was abolished. He most sincerely believed that no barrister of sufficient standing would have taken the office on those terms. Suppose, session after session, the bill should not pass, would the case remain the same? Would the holder of the office still have no title to compensation? He asked then whether it were wise, in a case that was admitted to be doubtful, to risk the success of a measure of this importance for so small a matter. With regard to the precedents, they were all in favour of the amendment of his hon. and learned Friend; for he was quite satisfied that he was correct in stating that Mr. Brougham had been appointed after a distinct notice had been given by the Lord Chancellor in the House of Lords of the intention to reduce the salaries of the Masters in Chancery. What course had been adopted when they took away a portion of the patronage of the Lord Chancellor. They made compensation by adding 1,000*l.* a year to his retiring allowance. Their loss of patronage was made the subject of pecuniary compensation; now they were abolishing all the Chancery appointments of the Lord Chief Baron; and they not only gave him no compensation, but they refused it to the officer, whom he was by law compelled to appoint, and whose office they abolished. It was a harsh, unwise, and unjust course, in which he hoped the right hon. Gentleman would not persist.

Lord *J. Russell*—I thank the hon. and learned Gentleman for what he has so explicitly stated as to the fate of this bill. I have said, and I repeat, that I shall be satisfied with any decision to which the House may come on this question, but if we are to be told that important bills of this kind will be rejected by the House because it differs in opinion as to the arrangements and money matters, it amounts to this—that no great measure is to be passed unless the House of Lords, and the House of Lords alone, has the power of granting compensation and settling the money questions. It is not a question of a compromise with the House of Lords as to our giving up the privileges which we have assumed in this respect, for that might be advantageous; but it is an absolute transfer of that privilege; it is saying that if you mean to have judicial reforms of importance, with regard to all matters of compensation the House of Commons is to pronounce no opinion of its own; and Mr. Scarlett may be entitled to compensation or he may not, the House of Commons is only to record the supreme judgments of the House of Lords.

Sir *E. Sugden* did not think that anything which had fallen from his hon. and learned Friend at all justified the observations of the noble Lord—and he begged to remind the noble Lord and the committee that the bill had been sent down last year by the House of Lords without the compensation clause. He mentioned that to show that the House of Lords, thinking it right that these offices should be abolished, had been content to originate a measure on the subject, though they had no power to provide compensation for those who held the offices which they proposed to abolish; it was impossible, therefore, that the House of Lords could be obnoxious to the observations of the noble Lord. The noble Lord the Chief Baron of the Exchequer was bound to make the appointment he had made, and to fill the office with a competent person, and therefore it would be most unjust to deprive the person accepting of it of a fair compensation.

Mr. *Jervis* said, that he meant to vote for the amendment proposed by the hon. Member for Exeter, on the ground that Lord Abinger had a right to appoint a person to the office, and that the individual so appointed had therefore a right to compensation on being deprived of it.

Mr. *J. Jones* did not think that they could withhold compensation in this case without violating the obligations they had come under when the patronage was bestowed on the Chief Baron. That being the case, he would vote for the amendment.

Mr. *C. Buller* thought, that the House ought to act liberally in compensating persons deprived of any office in consequence of improvements in the law. They ought to do so not only in justice but in policy, because the slightest disposition on the part of Parliament to act illiberally towards persons so situated, would make the passing of any measure of Reform a matter of great difficulty. What was the worth of these twopenny-halfpenny questions, compared with the great good which would be gained by a reform like the one now proposed? He thought that the Court of Exchequer had behaved admirably on this occasion, as Lord Abinger had offered no opposition to a bill which would strip him of a great deal of patronage.

Mr. *Hume* said, he agreed with his hon. Friend that the House ought not to deal niggardly in granting compensation to parties who were really entitled to it. He, for one, had never refused a fair compensation in such a case. Under the present bill, every person belonging to the Court of Exchequer, except Mr. Scarlett, would be entitled to compensation. The vacancy to which that gentleman had been appointed had taken place after the question had been brought under the consideration of the Parliament, and he concurred in opinion with the Chancellor of the Exchequer, that Mr. Scarlett was not entitled to compensation.

Mr. *Creswell* supported the amendment. Lord Abinger had accepted his situation, with the patronage attached to it, and as the gentleman whom he had appointed to the vacancy alluded to was admitted to be perfectly competent to the duties of the office, he thought that he was fairly entitled to compensation.

Mr. *Hawes* thought, that the services

performed did not justify any compensation.

Mr. *Villiers Stuart* begged to state one fact to the House previous to their dividing. Mr. Scarlett had actually given up a situation worth 500*l.* a-year, in order that he might be able to attend to the duties of his new situation.

Major *Scarlett:* The situation which Mr. Scarlett so resigned was that of counel to the Mint and to the Post-office.

The *Chancellor of the Exchequer* thought, that the fact of Mr. Scarlett having resigned another situation ought to come under the consideration of the Treasury. He hoped that the clause might be so altered as to give the Treasury a discretionary power to grant a limited compensation.

Sir *W. Follett* did not feel justified in assenting to the proposition. Mr. Scarlett had certainly given up the situation referred to; but he rested the claim for compensation on other grounds.

The Committee divided on the question that the words proposed by Sir W. Follett to be left out, stand part of the clause:—Ayes 70; Noes 73—Majority 3.

List of the AYES.

Aglionby, H. A.
Baring, rt. hon. F. T.
Berkeley, hon. H.
Blake, W. J.
Bowes, J.
Brotherton, J.
Busfield, W.
Chalmers, P.
Clay, W.
Dalmeny, Lord
Davies, Colonel
Dundas, D.
Evans, Sir De L.
Evans, G.
Evans, W.
Ewart, W.
Ferguson, Sir R. A.
Fort, J.
Gisborne, T.
Gordon, R.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Guest, Sir J.
Hawes, B.
Hayter, W. G.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hume, J.
James, W.
Labouchere, rt. hon. H.
Listowel, Earl of
Macaulay, rt. hon. T. B
Maule, hon. F.
Morpeth, Viscount
Morris, D.
Morrison, J.
Muntz, G. F.
O'Connell, D.
O'Connell, J.
O'Ferrall, R. M.
Ord, W.
Paget, Lord A.
Palmerston, Viscount
Philips, M.
Philips, G. R.
Rawdon, Colonel J. D.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Salwey, Colonel
Scholefield, J.
Sheil, right hon. R. L.
Stanley, hon. E. J.
Stanley, M.
Stuart, Lord J.
Stock, Mr. Sergeant
Strutt, E.
Surrey, Earl of
Tancred, H. W.
Thornley, T.
Troubridge, Sir E. T.
Villiers, hon. C. P.
Vivian, J. H.
Vivian, rt. hn. Sir R. H.
Wakley, T.
Wilbraham, G.
Wilde, Sir T.
Williams, W.
Worsley, Lord
Wyse, T.

TELLERS.
Horsman, E.
J. Parker.

List of the NOES.

Antrobus, E.
Bailey, J.
Bannerman, A.
Baring, H. B.
Barrington, Viscount
Blackburne, I.
Botfield, B.
Bramston, T. W.
Broadley, H.
Buller, C.
Burr, H.
Burrell, Sir C.
Canning, rt. hn. Sir S.
Clerk, Sir G.
Courtenay, P.
Cresswell, C.
Dalrymple, Sir A.
Darby, G.
Dick, Q.
D'Israeli, B.
Douglas, Sir C. E.
Eaton, R. J.
Egerton, W. T.
Freemantle, Sir T.
Gladstone, J. N.
Godson, R.
Gordon, hon. Captain
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Grant, Sir A. C.
Grey, rt. hon. Sir C.
Grimston, Viscount
Hepburn, Sir T. B.
Hogg, J. W.
Holmes, W.
Hope, hon. C.
Hotham, Lord
Hurt, F.
Ingham, R.
Inglis, Sir R. H.
Jervis, J.
Jones, J.
Kemble, H.
Knatchbull, rt. hn. Sir E.
Lascelles, hon. W. S.
Lowther, J. H.
Lygon, hon. Gen.
Lynch, A. H.
Maclean, Donald
Mahon, Viscount
Master, T. W. C.
Monypenny, T. G.
Morgan, O.
Nicholl, J.
Norreys, Lord
Pakington, J. S.
Parker, R. T.
Peel, rt. hn. Sir R.
Polhill, F.
Richards, R.
Round, J.
Scarlett, hn. J. Y.
Sibthorp, Colonel
Somerset, Lord G.
Stewart, J.
Stewart, J.
Stuart, W. V.
Sugden, rt. hn. Sir E.
Teignmouth, Lord
Thesiger, F.
Trotter, J.
Wilbraham, hon. B.
Wood, Colonel T.

TELLERS.
Follett, Sir W.
Pemberton, T.

Original words struck out.

On the question that the words proposed by Sir W. Follett be inserted,

Mr. *Hayter* said, as the clause then stood, a compensation amounting to three-fourths of the salary and emoluments was to be granted to the party during his life. Now, it might happen that, in the case of Mr. Scarlett, he might be called to the House of Lords, and in such a case it would be proper that the compensation should cease. He proposed, therefore, that the time during which the compensation then to be paid be discretionary with the Treasury.

Sir *W. Follett* said, he should not object to a clause being hereafter introduced providing that the compensation should cease, should Mr. Scarlett become a Peer.

Amendment withdrawn. Clause agreed to.

House resumed. Committee to sit again.

Convicts in the Hulks.] On the Order of the Day for the House to go into committee of supply,

Viscount *Mahon* said, that before the House went into committee, he wished to ask the noble Lord a question. On the 23rd of last month, the House passed a resolution, expressive of an opinion that the increasing number of convicts on board the hulks was an evil, and a strong desire to see a better system pursued. The House, it was true, was thinly attended on that occasion; but there were fifty-one for, and thirty against, the resolution, and he believed if there had been a fuller attendance, the decision would have been the same. A month having elapsed, and the noble Lord having apparently acquiesced in the resolution, in not having proposed its being rescinded, he wished to ask the noble Lord whether he had taken any steps, or whether the Government had any measure in contemplation for fulfilling the recommendation of the House; or, if not, whether he would give a pledge that with all due care the resolution should be fully and completely carried out?

Lord *John Russell* said it was exceedingly difficult to take any certain course in pursuance of a resolution of so general a character as that to which the noble Lord alluded. He had not given a direct negative to the proposition contained in the resolution; for to the proposition by itself he felt no great objection. But what he stated was, that he did not think it desirable that the House should come to such a resolution; and he therefore moved the previous question, hoping that the noble Lord would have been satisfied, and not have divided the House. However, the House did divide, and adopted the resolution of the noble Lord. There was a very elaborate report made by the committee on transportation, which committee was composed of persons holding the most opposite political opinions, and by men, some of whom were in office and some not. That committee came to certain resolutions, in which they decidedly disapproved of transportation of convicts to any settled districts in the colonies. With that opinion he agreed. The resolution alluded to by the noble Lord said nothing positively contrary to the opinion expressed by the committee; but the noble Lord in the course of his speech on that occasion, suggested the founding a new colony, to which convicts should be transported, instead of being sent on board the hulks. There was that course certainly open for adoption, or there was another course—that of confining transportation to a limited number of offenders, and establishing penitentiaries in this country for the confinement of the remainder. He (Lord J. Russell) was of opinion that the latter was the most desirable course to be pursued. For that purpose her Majesty's Ministers proposed a vote of money last year, and a similar vote would be proposed this year, for the purpose of building penitentiaries. He was certainly of opinion that it was not desirable to have a very large number of convicts on board the hulks. But that was only a temporary evil until the penitentiaries should be built.

Viscount *Mahon* wished to ask the noble Lord whether the opinion he had just expressed was intended to be acted upon by the Government, and whether it was proposed to make any immediate progress in building new penitentiaries, or whether they were merely the abstract opinions of the noble Lord himself, and which were not intended to be carried out in practice by her Majesty's Government?

Lord *John Russell* repeated, that in his opinion a certain number of convicts should be transported to districts not settled in the colonies, that a limited number should be confined in the hulks, and that the rest should be confined in the penitentiaries; but he could not exactly mention the numbers. This plan could not, however, be acted upon in the course of a few weeks; neither could any definite system be adopted upon a bare resolution of the House of Commons. The thing must be conducted according to the regular mode. He had before stated, that votes had been already proposed for building penitentiaries.

Viscount *Mahon* was anxious to understand the noble Lord correctly. What he did understand the noble Lord to say was, that the course to be taken by the Government was settled before he (Viscount Mahon) introduced his motion on the subject; and that that course would be followed without any alteration.

Lord *John Russell,* amidst considerable laughter, repeated his former statement, that the intention of the Government was, that a certain number of convicts—a smaller number than formerly—should be transported according, generally, with the views expressed in the report of the transportation committee; the Government agreeing with the opinions stated by that committee. That with regard to the other convicts which were detained in this country, it was the opinion of the Government that it was not advisable a very great number of them should be confined on board the hulks, but that they should be sent to well-conducted prisons, and where a system of prison discipline could be completely carried out. But this course could not have been established, in consequence of an abstract resolution of the House of Commons, nor could it be carried into effect in the space of a few weeks; but that it must be done according to a regular plan to be proposed by the Government to Parliament.

Sir *Robert Peel* said, that this was a subject of great importance at all times, but of peculiar importance at the present moment, when there was evidently a great disposition on the part of the House to proceed to the utmost possible extent to abolish capital punishment. Therefore, whatever system of secondary punishments might be devised, should be made as efficacious as possible, of course agreeably with an enlarged humanity, and with sound principles of criminal jurisprudence. He was a Member of the Committee to which the noble Lord had referred, and in the general recommendation of that Committee as to the evils which the continuance of transportation, and particularly the assignment system, were entailing upon a colony circumstanced like New South Wales now was—that colony having outgrown its original purpose of a penal system—in that opinion he entirely concurred. He recollected that a proposal was made in that Committee which went to a positive recommendation of immediately abolishing transportation. On that occasion he stated, that it was impossible, looking to the number of persons sentenced to transportation, for any committee safely to recommend the immediate abolition of transportation in the present condition of this country, and in respect to the present system of secondary punishments. He, therefore, did not mean, by concurring in the proposal with respec to the discontinuance of transportation to New South Wales, and particularly of the assignment system, to imply an opinion that transportation, under all circumstances, and with reference to all parts of her Majesty's dominions, ought to be abandoned. And he did hope, that the noble Lord, in the measures which the Government were about to propose, would not exclude from his consideration the propriety of continuing the punishment, and the severe punishment of expatriation, or transportation, call it by what name they pleased. He thought that, so far as this country was concerned, the punishment of certain crimes by transportation was a most efficacious kind of punishment—that it was a perfectly just and legitimate punishment, and one not open to any of the objections urged against capital punishment, not revolting to the feelings of humanity, and not inclining witnesses to be reluctant in giving evidence, or juries to convict. Then, again, so far as the impression to be made on the minds of persons likely to be charged with crime was concerned, if the abolition altogether of the terrors of capital punishment was to take place, he felt that they must, for the effectual punishment of crime, and for deterring others from crime, continue in their criminal code the punishment of transportation under some mode. With respect to New South Wales it was impossible for him to have heard the evidence given before the Transportation Committee without feeling that they were approaching to a state of society in that colony, in its present circumstances, that was pregnant with all the evils of slavery; that there was growing up among the different classes there, the prejudices and hostile feelings of freemen on the one hand, and of slaves on the other; and that those hostile feelings and prejudices were gradually banishing all social and physical comfort from the colony. He, therefore, cordially assented, that the assignment system should be discontinued, and that so far as the colony of New South Wales was concerned, transportation ought to be administered in the most moderate and considerate degree. If the noble Lord intended to place entire reliance upon imprisonment in the hulks or in penitentiaries, he would find himself mistaken as to the result. He could easily believe that punishment in the hulks and penitentiaries might be put upon a better system; but with all the improvements of which prison discipline was capable, two evils would probably arise out of that mode of punishment: first, the offenders would be led to rely upon the chance of remission, owing to the interference of friends in their favour; and, secondly, it would be found impossible to resort systematically to periods of confinement long enough adequately to punish the guilty. Humanity would revolt at the infliction of sentences of perpetual confinement, or even at confinement of any very considerable duration. At first they might not be as revolting as public executions, but among the multitude of cases, if only ten or twenty instances of aberration of intellect were to occur, it would be impossible to continue the system, and then another relaxation of the criminal code must take place. Supposing resort to be had to imprisonment for five or six years, annually a very large body of persons must be turned loose upon society who had undergone their sentences in the hulks or in penitentiaries. He was willing to admit, that some improvement of moral character might occur in consequence of confinement under a better system; but his own experience led him to believe, that it would not be so great as was anticipated. Prisoners, in the hope of indulgence, and of obtaining some degree of confidence, would conduct themselves well while in confinement, and when it was thought that their characters might be re-established, from joining again their old associates they would too frequently relapse into their old habits, and the hopes of amendment turn out to be merely delusive. He believed, that not fewer than 5,000 persons were annually sentenced to transportation.

Lord *J. Russell:* More than 4,000.

Sir *R. Peel* would take it so, and of these, under a system merely of imprisonment, a large number would periodically be restored to society, and it would be impossible for the legislature by any measures to abate the existing prejudice against the employment of persons who had been punished for crimes in preference to others who had never been found guilty. On the other hand, a well-regulated system of transportation would remove the convict from the association of his companions, and having expiated his offence, he would not carry about with him in the colony the prison mark. If the criminal could be induced, abroad, to rely upon the produce of his honest labour for subsistence, under no, or few, disadvantages from the effects of his previous life, an immense advantage would be gained, not offered by any system of prison discipline at home, however well it might be regulated. The objections to imprisonment at home were, first, that the punishment would not be efficacious; and next, that when the offender was turned out upon society, even if he were a reformed man and anxious to redeem his character, he would not be able to do so, by reason of the prejudice that must exist against him, especially in a country like this, where there was an immense quantity of surplus honest labour. He hoped, therefore, that the noble Lord would not exclude from his consideration the possibility of combining secondary punishments with expatriation.

Lord *J. Russell* said, he had been really misunderstood in what he had before stated to the House. The course which the Government intended to pursue with regard to the punishment of transportation—the punishment of death being confined to very few offenders—was to have three distinct species of punishment,—of transportation, confinement in prisons, and in the hulks. With regard to transportation, he certainly had always been of opinion that it was advisable to send a certain number of convicts abroad; that by sending them abroad they would obtain for them, after a certain period of punishment, the means of providing honestly for their own livelihood; because when they considered this punishment of transportation, they were bound to consider not only the immediate effect of it on our own country, but also on the society that they were establishing in another quarter of the globe: and what he certainly considered to be a very great evil was establishing a society in another quarter of the globe which really, if allowed to go on in the way in which it was proceeding, would have been a monstrous creation. With regard to the mode of doing this, it had appeared to him that there had been far too great a number of convicts sent out to our penal colonies. There was a great number to provide for, but many of these were only included under the sentence of transportation in consequence of acts passed ten or twelve years ago, for crimes which were not before punished with transportation; and there were several cases in which he thought that the punishment was most disproportionate. He remembered one case of a man who entered a small shop where bread was sold, and cut off a slice of bread for himself, and said that he was determined he would never pay for it, and he was sentenced to transportation for seven years. He had applied to know whether there was any falsehood or mis-statement in the representation of the case, and he had found that there was not, but that the man had been convicted before, and was a person of bad character, but that this was the offence for which he was transported. When they spoke of 4,000 convicts, this number included many who had not committed crimes which ought to subject them to such a punishment. He thought that in such cases a moderate punishment would suffice. He agreed with the right hon. Baronet that in cases of fifteen or twenty years' solitary imprisonment they might very often disturb the mental faculties, and that therefore such terms might involve an unnecessary degree of cruelty. He would give directions accordingly to the Governor of Van Dieman's Land with regard to the treatment of the convicts there and at Norfolk Island. There would be still no less than 2,000 convicts sent out every year; and it must be borne in mind, that whatever might be the advantages of the system of transportation, it was their duty to avoid the formation of colonies of which the great mass—say, three-fourths of the whole community—would be men branded as felons.

Mr. *Hawes* exceedingly regretted, that a subject of so much importance should be incidentally discussed. After calling the attention of the House to two of the resolutions of the committee on transportation, he expressed his decided opinion, if offenders were to be imprisoned, it would be found not only more effectual, but much more economical, to confine them at home than abroad. The system of transportation had hitherto cost the country not much less than 500,000*l.* a year, and he believed, that punishment in penitentiaries, properly regulated, would much more tend to the reformation of the guilty. The stigma of conviction would follow the offender as much abroad as at home; and with regard to long imprisonments producing alienation of mind, he had closely examined eight cases of the kind from America, and he had found that the failure of intellect was distinctly traceable to other causes, and to diseases existing before the parties were sentenced to confinement. Severity was necessary, and he asked whether it was likely to be administered under a better system in a remote colony, or at home, under the immediate eye and control of the Government? He trusted that the question would not be allowed to rest upon this conversation, but that it would be separately and distinctly considered on some future occasion.

Mr. *Wakley* was of opinion, that a night ought to be set apart for the consideration of this important subject. He earnestly requested the noble Lord not to be led away by real or supposed information from America, that long imprisonment did not produce aberration of mind. Fatuity, disease, and death, were the consequences of such inflictions; and if they were introduced into the system of this country, capital punishments, instead of being diminished, would be increased. Death would be inflicted, though not by the hand of the executioner. It was impossible to introduce confinement for any long period, such as ten or fifteen years, with any regard to the common claims of humanity. Sometimes only three years' imprisonment was utterly destructive of the future health of the sufferer. The great business of the Legislature ought to be, to prevent rather than to punish crime, and instead of debating on systems of severity, the House ought to consider how punishments could be rendered less frequent, by improving the morals of the lower orders. He, therefore, hoped that the noble Lord would cause a careful inquiry to be made into the effect of the systems pursued in this country, and that he would not determine upon the course to be pursued, till he had investigated this matter fully and perfectly.

Colonel *Sibthorp* was sorry to be obliged to inform the noble Lord, that if he persisted in his determination at that late hour, to take into consideration those important documents which had so recently been laid on the Table of the House, he must be prepared to listen to a speech from him of four or five hour's duration. He had never, during his experience in that House, seen such an attempt to smuggle papers into it. He hoped that the noble Lord would postpone his motion, and name some future day for the examination of these documents.

Lord *John Russell* could assure the hon. and gallant Member, that he had no desire whatever to take any improper advantage. It was desirable to go into Committee of Supply, because it was necessary to vote certain sums of money, for the purpose of paying off Exchequer-bills.

SUPPLY.] House in Committee, and a sum of 21,626,350*l.* was granted to pay off the Exchequer bills for the year 1841.

House then resumed.

Report to be received.

HOUSE OF LORDS,

Monday, April 26, 1841.

MINUTES.] Bills. Read a first time:—Law of Felony, Explanation.—Read a second time:—Metropolis Improvements; Ecclesiastical Commissioners Acts Amendment.

Petitions presented. By the Bishop of London, from his Diocese, against Sunday Trading.—By the Earl of Winchilsea, from places in Kent, Essex, and Suffolk, against any further Grant to Maynooth; and from the *ex officio* Guardians and others of Unions in Lincolnshire, against the Continuance of the Poor-law Commissioners for five years, and in favour of Out-door Relief.—By the Duke of Argyle, from various places in Scotland, against Non-Intrusion.—By the Earl of Radnor, from Derby, Bilston, Taunton, and other places, for the Repeal of the Corn-laws.—By the Earl of Carlisle, from Morpeth, in favour of the Drainage Bill.—By the Duke of Wellington, from Hastings, in favour of the Jews Declaration Bill; from Bath, against the County Courts Bill.—By the Earl of Falmouth, from Medical Practitioners of Cornwall, against the Union of the three branches of that Profession.—By the Archbishop of Canterbury, from Batheaston, Somersetshire, for the Exclusion of Catholics from Parliament.

THE DUCHY OF CORNWALL.] Viscount *Duncannon* said, that in consequence of the question put to him on Friday evening by the noble Earl opposite, relative to the leases of certain mines in Cornwall, he had made inquiries on the subject, and he found that notice had been given to the lessees of those mines to which submarine workings were attached, that on the expiration of their leases, they would not be renewed on the present terms. The question was, whether the minerals below high water mark were the property of the persons who held the upper soil, without paying any royalty? The opinion of the law officers of the Crown had been taken on the question, and they had decided that the property in the sub-workings was in the Crown, and not in the individuals holding the soil. The consequence was, that proceedings would be taken against the person to whom the noble Earl had formerly alluded, and against others, amongst whom was the noble Earl himself.

The Earl of *Falmouth* said, the correspondence which had taken place on this subject, though it did not embrace the whole matter at issue, certainly touched upon the question, whether the property in those mines was to be excluded from the operation of the Limitation Act, which applied in other cases. When he put the question to the noble Viscount, he thought it necessary to explain generally the circumstances that had taken place, in order that no misunderstanding might arise. The circumstances out of which the correspondence with the authorities connected with the duchy of Cornwall arose occurred some years ago. Objections were then advanced against the extravagant claims put forward on the part of the Crown, and the answer to those representations was, that a bill would be brought into Parliament to settle the claims of the parties in possession. No such bill was introduced; but the persons interested were informed by Sir G. Harrison, that he disapproved of the claims asserted by the Crown, and that he repudiated them on the part of the duchy; but, though he was never inclined to urge those claims, still he would do nothing that might be considered as compromising the rights of the Crown. How stood the fact now? Why, on the introduction of the new Lords of the duchy, they found, that certain leases had expired, and they proceeded to lay claim to the submarine workings, which had been recognised time out of mind as the property of the individuals in possession. The property now in question belonged to two ladies, and from it they drew the principal part, if not the whole, of their subsistence. This was the first proceeding that had been taken, after the promises were made which he had stated; this was the first proof given of the benefit to be derived from the boasted infusion of liberalism into the management of the affairs of the duchy. What was now in progress was materially connected with what took place on a former occasion. The question simply was, whether long possession was sufficient to confirm an individual in a right to retain property which he had held unmolested and undisturbed? By the Nullum Tempus Act, the Crown was barred from claiming after a possession of sixty years. If an individual could prove, that he had held the property claimed for more than that duration of time, he made a good title against the Crown. It was endeavoured, in the case of Sir John St. Aubin, but unsuccessfully, to overthrow that doctrine. The principle now sought to be established would not be tolerated in the time of James 1st., and he did not think that it would succeed now. According to that principle it was no matter how long property might have been in the possession of a family; even if it could be shown, that undisturbed possession had been preserved for three hundred years, it would avail the possessor nothing. It might be claimed as belonging to the duchy, notwithstanding the time that had elapsed; because, forsooth, the property of the duchy could not be alienated. Those who were interested in the question had been promised, that there was no intention to advance such claims, and he could tell the noble Viscount, that if it was attempted to carry out those claims in the manner intended, the attempt would be resisted to the uttermost. He (the Earl of Falmouth) was, it appeared, to be the next victim. It was the first he heard of it, and he should be prepared to oppose, by all proper means, any attempt to take the minerals from his private property. He would say, that if there were any one thing that would be more popular than another in that part of the country in which those mines were situated, it would be the bringing in of a bill to quiet and settle the possession of such property.

Viscount *Duncannon* said, that most of the mines in question had not been worked more than forty years. The noble Earl was not in possession of his mines for more than forty years. As the noble Earl had particularly alluded to the case of two ladies, he had no objection, if the noble Earl pleased, to try the right with him first.

The Earl of *Falmouth* said, that generally speaking, private individuals acquired a legal title to property by possession for twenty years. In some instances, that period was extended to thirty, and in others to fifty years. In the case of the Crown, the term was not so much narrowed. But even there, possession for sixty years was a sufficient bar to a claim on the part of the Crown. He held that the minerals in these submarine workings were indisputably his property, because he who possessed an estate, as Lord of the Manor, or otherwise, held it *usque ad cœlum, usque ad imum.*

Lord *Abinger* inquired whether the claim to the submarine workings was made as a common law right, or as a right of the Crown?

Viscount *Duncannon* answered, that the claim was made to the submarine workings below high-water mark on the part of the Duchy, as appertaining to the Crown.

Here the conversation ended.

METROPOLIS IMPROVEMENT.] Viscount *Duncannon* moved the second reading of this Bill.

The Earl of *Wicklow* said, he hoped the report was correct which he had heard, that it was the intention of the Government to throw open to the public the whole of the Regent's Park; and also that they intended to form a Park in the Eastern end of the Metropolis.

Viscount *Duncannon* said, that he had great pleasure in stating, that her Majesty's Government was prepared to open the whole of the grass part of Regent's Park, as far as it could be done with a due regard to the rights of those who had laid out large sums in the purchase of villas in the neighbourhood. The whole of the park would be thrown open to the public, except the private enclosures. Communications would be made to it from Hanover-terrace, from Macclesfield-bridge, and there would be two communications into the broad walk. With regard to the other question, the Government was most anxious to comply with the requests which had been made for a park in the eastern end of the Metropolis. Great difficulties stood in the way of accomplishing that object; such as the difficulty of obtaining in that locality a piece of ground of sufficient size; but he could assure his noble Friend, that every exertion would be made to effect the purpose desired with as little delay as possible.

Lord *Ashburton* said, he thought it was a great mistake to suppose, that throwing open every part of the parks was the best way to consult the pleasure of the public, for the preservation of the ornamental gardens was as necessary to their enjoyment as was the access to the open parts surrounding those necessarily enclosed spots. There was another point to which he wished to direct the attention of their Lordships. He alluded to the present state of the churchyards in the Metropolis, which was fatal to the health and comfort of the community. This was an evil which demanded an immediate remedy, and he thought that that remedy should be applied by the large mercantile classes who collected together in different spots such immense masses of population. It would not be too much to expect from the large manufacturing towns that they should keep the atmosphere as pure as their employments would allow.

The Bishop of *London* was desirous of expressing his concurrence with the remarks just made by the noble Lord who had that moment resumed his seat. With regard to the evils arising from the present state of the churchyards in the Metropolis, he had frequent opportunities of witnessing their magnitude. In a small parish at which he had been called upon to officiate yesterday afternoon, he had been informed by the clergyman that, at a recent funeral, thirteen skulls had been turned up, and he could assure their Lordships that the evil would be much less than it at present was, if bones were alone turned up from late interments. Cemeteries had, within the last few years, been formed, which, to a certain extent, diminished this evil, but they brought with them another evil—though an evil, he confessed, of not equal magnitude. He was not one who would stand up for the secular advantages of the clergy, when opposed to the benefit of the community at large, but they were, at the same time, not to be overlooked or disregarded. Now, these cemeteries produced a serious effect on the incomes of many of the clergy, and he believed that one of them in the neighbourhood of the Metropolis—the Kensal-green cemetery—had caused in the income of the rector of a neighbouring parish a diminution of not less than 200*l.* a-year. Might not, however, some measure be introduced which would prevent the latter, and, at the same time, effect the former good? Might not some small cemeteries be formed in the neighbourhood of the Metropolis, such cemeteries were in fact formed, though they were not always consecrated, he regretted to say, which the bishop of the diocese should consecrate, where the poor might be interred at a small cost, and a part of the proceeds of which he should receive for the benefit of the clergy whose incomes had been seriously affected? He threw this out as a suggestion which might be attended with advantage to all classes. At any rate the evil of the present churchyards was universally admitted, and some remedy ought to be applied. Whilst the attention of their Lordships was directed to the enjoyment of the public, he would take that opportunity of saying a word in favour of the large and miserable classes of the community who inhabited the northern and north-eastern districts of the Metropolis. With them and their wretched condition he felt the strongest sympathy. He took an interest in their condition—he took an interest in their welfare—and consequently he took an interest in their health and in their wholesome amusement. No opportunities were afforded to these poor people of taking a breath of fresh air; and while their Lordships were liberally and properly attending to the amusement of the public, by which was generally meant the upper and the middle classes, he trusted that some parks, public walks, or other means of healthful recreation, would be afforded to the miserable and neglected inhabitants of Bethnal-green, Spitalfields, and that neighbourhood, which was in a state which none of their Lordships could conceive, unless they took the trouble of walking through its streets.

Viscount *Duncannon* was most anxious to do the utmost to improve the neglected and unhealthy localities in that part of the metropolis to which the rev. Prelate alluded; and, in fact, in the Metropolis Improvement Bill, and in the Drainage Bill, that object was to some extent provided for. But with respect to the proposed purchase and planting of the Royal Park, he thought it better not to state at present what his intentions were, lest by doing so he should render it impossible to carry them into effect. As to the new road from Pimlico, a question respecting which had been put to him by his noble Friend opposite (Lord Ashburton), he would only at present state that there was no part of the metropolis to which a great thoroughfare was more necessary.

The Marquess of *Normanby* said, that he was desirous of framing such a measure as that to which the right rev. Prelate had alluded for the improvement of interment in the metropolis, and for providing cemeteries. But he had found the subject so beset with difficulties that he had as yet made no progress with it. However, he did not despair, and he would be very happy to assist the right rev. Prelate if he would take the question into his own hands.

Bill read a second time.

Sunday Traffic on Canals.] The Marquess of *Normanby* rose to bring forward the motion, of which he had previously given notice, that a select committee should be appointed to consider the present system of trafficking on canals on Sundays. He need only trouble their Lordships with a few words in stating why, in his opinion, an inquiry should be instituted to decide whether the present state of things ought to be allowed to exist. It was the first duty of a moral and religious community—when, at any rate, it could be accomplished without injury to any class, and unless some strong reason were opposed to it—to keep the strict observance of the seventh day. Now, he believed that in the present system of Sunday trafficking on canals little benefit was derived by any one, and certainly that no opposing reason justified the deviation from the principle which he had laid down, the soundness of which he felt sure would not be denied in their Lordships' House. Other considerations interfered with regard to personal travelling on Sundays, and though there were some people who conscientiously thought that the strong arm of the law might fairly be exercised to prevent, as they considered it, this breach of moral conduct, yet, for his own part, he thought that such an interference could not be justified. The attention of the committee which he now proposed would not be directed to this point. It would be merely confined to the compulsory labour of a particular class who were thus, contrary to their own wishes, compelled to work during seven instead of for six days. He had seen, since last Session, when this subject had been before their Lordships, several magistrates, chairmen of quarter sessions, and other gentlemen who were practically acquainted with the working of the Sunday trafficking on canals, and from their statements he had not the slightest doubt that the present state of the law subjected not only the boatmen themselves, but the whole population along the shores of the various canals through which they passed, to the greatest inconvenience. He had been informed also, and this information of what actually did take place exactly corresponded with his previous notion of what was likely to take place from such a system, that a great part of the smaller crimes—crimes of the nature of pilfering, and of such description—principally arose from these boatmen, who, being as it were perpetually *in transitu*—having no fixed locality—constantly moving up and down the canals, on which they all but entirely lived, were not easily followed or detected. It was not fair to charge the crimes of individuals on the classes of which they were members, and he would not do so. But an atrocious crime which was committed during the course of last year on one of these canals, and for which two men had been tried at Stafford, proved not only that the unfortunate men engaged in that transaction themselves, but that their fellow-labourers employed in the same occupation—that, in fact, the whole class of these canal boatmen were alike deprived of religious and of secular instruction. This proved that there was an evil in the system, and who could doubt that a remedy would be found in their cessation from Sunday labour, and in the opportunity thus afforded them of frequenting public worship; and of receiving the blessings of moral and religious truth? The labours of the committee would also extend to railways. There was, he confessed, no such thing as urgent necessity in this case as in the other to which he had already directed their attention; but at the same time there could be no reason why an inquiry should not be instituted respecting the expediency of commercial trafficking on railways on Sundays. He thought that there could be no necessity for the transfer of goods on that day in a commercial point of view, and certainly there was an objection to it on several grounds. The subject, at any rate, was worthy of consideration. There were, he knew, in the accomplishment of the object which they all must have in view, some difficulties of detail; but these he believed were not insurmountable, and he relied with confidence on the talents and exertions of the committee. The evil was a crying one. It would be for them to propose a remedy. The noble Marquess concluded by moving for the appointment of a select committee to consider the present system of Sunday trafficking on canals, railways, and navigable rivers.

The Bishop of *Lichfield* said, that this question had excited the greatest sensation in the diocese over which he presided, and the motion of the noble Marquess, productive as it must be of the greatest benefit, would be received by all classes with the liveliest gratitude. Men of all parties, and of various classes, joined in an unanimous wish for the abolition of the law sanctioning Sunday traffic on canals. The desire of the boatmen themselves, opposed though it was to their pecuniary interest, had been proved by the petition presented to the House by the noble Lord (Hatherton). The carriers entertained the same wish, and the merchants and manufacturers were influenced by similar feelings. It was absolutely necessary that Parliament should interfere. An attempt had been made on the Trent and Mersey Canel to put down Sunday traffic, but it had only partially succeeded. Its success, however, was sufficient to prove that no commercial considerations demanded the continuance of this system. The moral evil caused by it was painful to be considered of. Almost outcasts from the very pale of humanity—aliens from the Church of Christ—the boatmen grew up from boyhood to manhood in the grossest ignorance, and hence the atrocious crimes to which the noble Marquess had alluded. He begged to thank the noble Marquess for the motion he had just made, and that motion he felt the greatest pleasure in seconding.

Lord *Colchester* inquired whether it was intended to include navigable rivers, and to prevent vessels arriving from abroad from entering?

The Marquess of *Normanby* said, he thought such a measure would be productive of great inconvenience, and he would remind the noble Lord, that they were not now legislating, but merely arranging as to the duties of a Committee of Inquiry.

Lord *Hatherton* was glad that navigable canals had been included in the motion of the noble Marquess. All inquiry would be imperfect without it, and on this point the principal difficulty existed. He was sure, from conversation with practical men, that with regard to canals and railways the Sunday traffick could be abolished without injury to any class, and with great benefit to the boatmen, whose interests had been hitherto neglected. His property lay in a county much intersected with canals. Several, indeed, flowed through his own estates, and he had been in the habit of asking the boatmen whether they were desirous of working on a Sunday? From all he had received the same answer. They had all expressed their unanimous desire for the abolition of the system, and they had distinctly told him that they only worked from compulsion. The proprietors also wished for an alteration, but no individual could have afforded to act upon it from the strong competition which prevailed among them, and from the loss which he would necessarily sustain were he alone to cease working on the Sunday. This proved the necessity for legislative interference, and he was glad that the subject had attracted the attention of the noble Marquess.

Motion agreed to, Committee appointed.—Adjourned.

HOUSE OF COMMONS,

Monday, April 26, 1841.

Minutes.] Petitions presented. By Mr. Crawford, from Bombay, for the Renewal of the Trade with China.—By Mr. Hindley, from Ashton-under-Line, against Idolatrous Practices in India.—By Sir G. Strickland, from Saddleworth, for a Revision of the Import Duties; from Huddersfield, against appointing Chaplains to Workhouses belonging exclusively to the Established Church; from a place in the West Riding of Yorkshire, for a Repeal of the Corn-laws; and from Todmordon, complaining of the Expense of Vaccinating Children.—By Mr. O'Connell, Mr. Dillon Browne, Mr. G. Evans, and others, from Tralie, and other places, for Lord Morpeth's Registration Bill.—By Mr. Litton, and Lord Stanley, from Dublin, Finsbury, and and other places, for Lord Stanley's Irish Bill.—By Mr. Christopher, from the Board of Guardians of Lincoln, for Out-door Relief.—By Sir C. Burrell, from Worthing, in favour of Gilbert's Act; and from Hurst, and other places, in favour of Church Extension.—By Mr. Muntz, from Birmingham, against the County Courts Bill; and from certain Manufacturers of London, for the Repeal of the Corn-laws.—By Mr. Mackinnon, from Mrs. and Miss Chambers, stating that Mr. Chambers had been confined sixteen years for Debt, and was seventy-six years old, and for an Alteration of the Law.—By Captain Pechell, from Arundel, to prevent the Infliction of Punishment on the Sabbath.—By Mr. Litton, from Coleraine, Port Steuart, and other places, against the exercise of Lay Patronage in the Church of Scotland; and from Protestant Inhabitants of Dublin, and a town in Queen's County, against any further Grant to Maynooth.

The Ten Pound Franchise (Ireland).] Sir *G. Grey* said, he wished to put a question to the noble Lord the Member for North Lancashire, with reference to one of the orders of the day, namely, whether it was the intention of the Cabinet of which the noble Lord formed a part, on the 25th of June, 1832, to give the right of voting at elections of Members of Parliament for counties in Ireland to all persons occupying tenements for which they paid an annual rent of 10*l.* It would explain the meaning of his question if he stated to the House that, having referred to the noble Lord on the subject, the noble Lord had referred him to the bill. That bill, however, did not afford the means of deciding the question. The question referred to June, 1832, and the bill of May, 1830, was evidently not in the state in which it stood before the House at a subsequent period.

Lord *Stanley* said, the hon. Gentleman had been kind enough to put into his hands a copy of the *Mirror of Parliament* of 1832, and at the same time he had asked him to give an explanation of a speech of his which he there found reported. A speech was then made by him in explanation of the bill as it stood at the time for consideration by the House, and as it was intended to stand by Earl Grey's Government. In explanation of his speech he had taken the liberty of referring the hon. Gentleman to the bill as he would find it up stairs, considering that a more authentic explanation than any which he could furnish. However, he well recollected the passage, because he had often looked at it, and he had noticed on various occasions that that speech contained a fundamental error throughout, arising out of a misprint he had no doubt, which made the whole statement perfectly unintelligible. The only explanation he could give was this. He was made to speak throughout of a rent of 10*l.*, and he had little doubt the mistake had arisen from substituting the word "rent" for "interest," whereas he had been speaking as the bill spoke of an annual interest of 10*l.* It never was the intention of Earl Grey's Government to introduce the words in the report as part of the Reform Bill. He had no doubt that the error had arisen from the short-hand writer having, in copying out his notes afterwards, mistaken the mark, so that the word "interest" had been mistaken for the word "rent" or "rental." It certainly never was intended in the time of Earl Grey's Government to take such a course, and there were many hon. Members present who could corroborate that statement.

INSURANCE COMPANIES.] Mr. *Godson* wished to ask whether insurance companies were included in the objects of the committee appointed to inquire into all joint-stock companies except banking companies?

Mr. *Labouchere* said, there was no doubt about it, that insurance companies were included.

PARLIAMENTARY VOTERS (IRELAND.)] Viscount *Morpeth* moved the House in Committee on the Parliamentary Voters (Ireland) Bill.

Preamble postponed. — On the first clause being read,

Viscount *Howick* said, that in rising to propose the amendment on the first clause, of which he had given notice, he might, perhaps, be looked upon as taking upon himself an office which did not properly belong to him. This might be supposed to be more properly the office of some one possessing an intimate and local knowledge of Ireland, to which he had no pretensions, or of one commanding the support of a powerful party in that House. He was sensible of his total inadequacy to do justice to the subject, on either of those grounds. But, although, on the one side, he had no local acquaintance with Ireland, neither, on the other hand, was he mixed up with those religious and political animosities, which now, unfortunately, afflicted that country; and, if he had no right to reckon on the support of any great party in that House, still he hoped, that very circumstance would convince hon. Members, that his sole object was, to promote the public benefit, for he disclaimed most sincerely in what he was about to propose for the consideration of the House, the prospect of any party advantage. His only object was to assist in promoting the settlement of a question which he was convinced, could not without infinite detriment to the best interests of the country, or, indeed, without danger to the security of the empire, be left a subject of fierce party contest in that House, and in Ireland. The importance of the settlement of this great question, must be felt by both sides of the House. It must be equally evident, that any final settlement would be altogether impracticable, if both sides of the House insisted on carrying out to the utmost, each its own peculiar views. It was hardly necessary for him to state, that on bringing forward his amendment, he was actuated by no feelings of hostility towards the Government. He could assure his noble Friend, who so ably conducted the business of Government in that House, that nothing could be further from his mind than such a feeling. But, finding it impossible, consistently with his sense of public duty, to support the clause as it now stood, in the bill, he thought it better to endeavour to find some substitute for the plan there proposed, than to confine himself simply to negativing the clause. The clause, in its present shape, appeared to him, open to great and serious objections—not that he differed as to the object sought to be attained—far from it. No one felt more strongly the extreme importance of obtaining for Ireland the advantages of a simple and easily-ascertained test of the right of voters than he did. None desired more sincerely to see Ireland in the enjoyment of a *bonâ fide* popular constituency. These opinions he held as strongly as his noble Friend, who had introduced the present bill to the House; but the more closely he looked into the question, and endeavoured to make himself master of it, the stronger became his apprehensions, that the mode proposed by his noble Friend, of attaining those objects, would not answer. He thought the extent of change proposed unnecessary, and, therefore, unwise. The right of voting in counties in England, as well as in Ireland, had hitherto been based on property. It had been so before the passing of the Reform Act, and since that act had passed, it had still continued the same. The single apparent exception to the rule existed in England, and was that of the voter who enjoyed the franchise by virtue of a 50*l.* tenancy. This exception was not real, but apparent, because, as it appeared to him, it proceeded on the assumption (and a just assumption it was), that the fact of a tenant being able to pay a rent of 50*l.*, necessarily implied, that he was in possession of an amount of capital fully equal to the property which a freeholder was required to possess. The principle was the same in Ireland, for, however parties might differ as to the construction of the words, "beneficial interest," yet in all the disputes which had taken place on the subject, it seemed to be universally admitted that some profit ought to be understood—some benefit on the part of the tenant beyond the rent reserved in his lease and any other charges to which he might be liable. Now, the clause of his noble Friend would entirely set aside that principle. If that clause were adopted in its present shape, a person holding a lease for fourteen years, and rated at an amount of 8*l.* would be entitled to claim the right of voting; he would be able to do so, even though he should be charged with a rent of 16*l.* instead of 8*l.*, so that his farm, instead of being a property, would be an actual burthen to him. In this case the principle to which he had adverted with respect to the English 50*l.* tenant did not apply, because on the system on which land was occupied in Ireland, the circumstance that a tenant held land of 8*l.* yearly value afforded no proof whatever that he was in possession of capital, in consideration of which he ought to be entitled to the franchise. No one could venture to say, that the mere fact of holding a cabin with a few acres of land, rated at 8*l.*, afforded in Ireland the slightest proof that the occupier was the owner of capital, and should, in virtue of that qualification, be entitled to a vote. Therefore he was bound to regard the clause of his noble Friend in its present form as entirely setting aside that which was known and universally recognised as their guiding principle in legislation. This he thought highly inexpedient. He viewed the principle of basing the county qualification on property as not only consecrated by long practice and the usage of the constitution, but he thought it also in accordance with sound sense and reason, for it was a legitimate inference that the possessors of property would on the whole be the class of persons most capable of exercising the franchise with independence, and, having themselves some stake in the country, would be most anxious to discharge honestly the duty imposed on them. It was not the principle of the present law relating to the franchise in Ireland, by which the right of voting was attached to the possession of property, that was wrong, but the manner in which that principle was applied. Without dwelling on subjects which had been sufficiently discussed in former debates, he believed, that it was pretty generally admitted, that the fault of the present system arose not more from want of agreement as to the proper construction of the words "beneficial interest," than from the fact that, supposing the construction to be agreed on, still the only test of the surplus value of property held on lease would be the opinion of parties having a strong interest one way or other, and an opinion supported by oath. All experience showed that it was in the highest degree impolitic in subjects of this kind to depend on the oath of strongly-interested parties. He proposed, by the amendment which he was about to lay before the House, to obviate these objections. He proposed to provide the means of ascertaining in such a manner as to leave no opportunity for fraud or doubt the real interest which the person claiming to vote possessed in the property which was to form his qualification. He proposed that the value of the property should be ascertained by the valuation taken for the purpose of assessment to the poor-rates, and that which, according to the existing law, must be produced at the time of registration, should be evidence of the amount of rent to which the claimant was liable. By thus deducting the amount of rent reserved by the lease from the rated value of the property, a test of the interest of the voter would be obtained which appeared to him liable to no objection. This was the principle recommended by the hon. Gentleman, the Member for Monaghan, during the last debate, and it appeared to him to present every possible advantage. It had been said, that the reports which had been laid on the Table of the House showed, that hitherto the valuation had not been so correctly obtained as to enable them to proceed on it. It certainly did not appear altogether satisfactory, but machinery had already been provided by Parliament by which the valuation might, if necessary, be corrected, and in a short time a valuation would be obtained which could be relied on. If there was any error in the valuation, at least it was not, and probably never would, be one caused by a desire improperly to obtain the franchise. The interest of parties to avoid too high a valuation would always prove a much stronger motive on men's minds than the desire to obbtain the right of voting by raising the valuation. It was for this reason that the Poor-law valuation was to be relied on. It appeared to him that, if they adopted the principle which he now recommended, they would obtain certain and conclusive proof of the interest of the voter in the property in respect of which he claimed to vote; but then an important question arose —what was the amount of interest, so ascertained, to be fixed, in order to confer the right to vote? He could not but think that if so high an amount as 10*l.* excess of value above the rent paid as shown by the assessment to the poor-rate were taken as the qualification; it would raise the franchise, even above the amount contended for by those who took up what was called "the solvent tenant test." He thought that in adopting any measure of this kind, they were bound to look a little further. He agreed with hon. Gentlemen opposite, that as the Act of Parliament was drawn according to the strict technical interpretation of the Reform Act, those who insisted upon the solvent tenant test put the proper construction upon those words; but he was equally convinced that if they looked back to the history of the act carried in 1832, they would find, that it was the intention of Parliament to make some extension of the right of voting as it at that time existed. That such were the views of those who introduced the Reform Act, appeared to him perfectly obvious from their recorded speeches. He should not think himself justified in proposing his amendment if he were not prepared at the same time to recommend a considerably lower amount of qualification than 10*l.* He believed, that the moment the test was applied, its practical severity would be such, that all fraud would be most completely and effectually excluded. He proposed, therefore, in the amendment which he was about to move, that the sum of 5*l.*, excess of value beyond the rent and charges to which the person who claimed the right to vote was liable, should be considered a sufficient qualification. He thought that hon. Gentlemen on that side of the House must agree in his suggestion for this reason:—They had admitted, as he had already stated, that the words "beneficial interest" clearly meant some profit to be enjoyed by persons claiming to vote. The words of the clause which was introduced into the bill of last year by his hon. and learned Friend the Attorney-general for Ireland, defined the beneficial interest as a profit or advantage derived or derivable by such claimant from such premises after deducting rent, tithes, and rent-charges, payable by such claimant, and expenses of cultivation. This was a very large deduction. The hon. and learned Gentleman admitted that 10*l.* beyond all these charges was according to the existing law, that which constituted the claim to vote. The hon. and learned Gentleman the Member for Dublin, in a recent debate, when he (Lord Howick) had asserted that the value of the labour of the occupant himself was not, according to those who objected to the solvent tenant test, to be deducted in calculating the beneficial interest, had said, that he had never contended for any such construction. He really found it difficult to understand clearly where the line of distinction was to be drawn between the two constructions of the law contended for by Gentlemen on each side of the House, since he really did not know what deductions from the value of a farm a solvent tenant would take into account in calculating the rent he could afford to give, beyond the rent, fixed charges, and expenses of cultivation.

He was at a loss to discover speaking technically and legally, what shade of difference in the construction of the terms "beneficial interest" existed between the hon. Member for Dublin and hon. Gentlemen opposite; but, admitting that a distinction did exist, he thought that it must be perfectly clear that a beneficial interest of 10*l.* would not according to the real meaning of the law, be ascertained in a manner unfavourable to the claimant of the franchise, by requiring 5*l.* excess of value in the manner which he proposed. If, then, this were admitted, he must confess that he could see no good reason for rejecting the amendment which he proposed; because, from the principle laid down by hon. Gentlemen opposite, and from admissions made by them during the late debate, as to the extreme importance of obtaining a well-ascertained test of the right to vote, they could hardly now with consistency reject his proposition. Hon. Members on his own side of the House might adopt the proposition of his noble Friend the Secretary for Ireland, without rejecting his amendment, which went to continue a class of voters to which he was sure no objection could be made. The whole of that class of persons who claimed a right to vote from freeholds in fee, that was from *bonâ fide* property, would derive great advantage from his amendment; while it was perfectly obvious that, according to the clause of his noble Friend, no person would be able to claim that right unless the property he occupied was rated at 8*l.* Persons who paid no rent for property rated at 5*l.*, would be excluded from the register by his noble Friend's clause. Thus would voters of an independent description obtain the franchise under his amendment, and forfeit it under the clause of his noble Friend. In the same manner, persons paying 1*l.* rent for land which they had either greatly improved, or had reclaimed from bog or mountain land, having holdings of 7*l.*, or just under 8*l.*, could claim the franchise under his amendment, but would be entirely excluded by his noble Friend's proposition. He was sure he would not be called on by his noble Friend to argue that it was desirable that those men should have votes. They might not form a numerous class, but that they existed there was sufficient evidence to show. In the reports laid upon the Table by his noble Friend, he found it stated, that,—

> "In general, electors rated at small sums, so far as we are able to ascertain, are persons who hold at very low rents, and in some instances rent free. Thus, in Bandon two registered electors will be found, one of whom appears to be the owner of fifteen acres of land, subject to no rent, and which is rated at 7*l.* 10*s.* The other appears to be the owner of ten acres, rated at 4*l.*"

Thus it clearly appeared, that the clause of his noble Friend would exclude some of the most independent and best voters who enjoyed the right of voting under the existing law. Even where the beneficial interest was strictly construed, persons whose holdings were rated under 8*l.* would be excluded by his clause. He might be told that although the amendment he proposed would admit some voters who would be excluded by his noble Friend's clause; yet that, on the whole the effect either of the amendment he proposed, or of leaving the existing law as it was at present, would be greatly to restrict the county constituency of Ireland. Many hon. Members might reject his amendment and support his noble Friend's clause, because they felt it necessary to supply the deficiency which they anticipated in that constituency. He agreed with them as to that necessity, and he certainly was not inclined to propose that this amendment should be the only change adopted. On the contrary, he felt that it was desirable to take other steps in order to prevent the franchise from being confined. The question was, how that was to be accomplished? His noble Friend proposed that it should be done by giving the right of voting to all persons rated at so low an amount as 8*l.* if they had leases for not less than fourteen years. He, on the other hand, wished to propose that a considerable higher amount of rating should be required, but that no lease should be insisted on, and that the yearly tenant should be admitted to the franchise in common with the tenant of fourteen years. Although his first amendment did not directly involve this, which he meant afterwards to propose, yet they were so closely connected that he thought they should be explained at the same time. One of the motives which induced him to propose this second change was that, in his opinion, it was of the utmost importance that any additional franchise for Ireland should be so framed as not to bring upon them further demands of the same kind either from that country or from this. He held very strongly the opinion which had been so frequently and so ably insisted on by his noble Friend the Secretary for the Colonies, that the frequency of political changes of this kind was an evil of the greatest magnitude. He therefore wished to avoid, as far as practicable, disturbing the distribution of political power effected by the Reform Bill, and he could not help thinking that the clause proposed by his noble Friend might be very objectionable in this point of view—both as introducing a totally new class of voters unlike any to be at this moment found in any division of the kingdom, and also a class holding a lower position in society, as he should endeavour to prove, than any class of voters to whom the Reform Act extended the franchise. On the contrary, the proposition which he submitted to the House was founded strictly upon the analogy of the Reform Act. In England a 50*l.* occupying tenant was entitled to the franchise, and it was a natural proceeding to grant a similar right in Ireland. By doing so it did not seem to him that they would be giving rise to any fresh claims in this country. When he spoke of a similar right to Ireland, he must not be understood as meaning to say, that he thought the payment of 50*l.* rent would in Ireland form a desirable qualification. Looking to the difference in point of wealth, and to the great extent to which the subdivisions of landed property had been carried in Ireland compared with England—looking to these circumstances, it was obvious that they ought not to require an occupation of the same value in Ireland as in England. And while, instead of the 40*s.* freehold of England, they required so high a freehold qualification as 10*l.* in Ireland, it appeared to him that they ought, in giving an occupation franchise, to make some allowance for those circumstances and lower the amount of value which should qualify the occupying tenant in proportion. He was not now prepared to state what the amount of value ought to be. The very late period at which most of the important returns bearing upon this subject had been put into the hands of hon. Members, the most important of all having been only delivered that morning, made it quite impossible for him to have given that full consideration to the subject which would enable him to state what amount of value ought to be required to qualify the occupying tenant. Still he thought that the object he had in view might be easily stated. He wished that the value might be fixed at such an amount as would give, in the present condition of Ireland, at least as large a number of voters as had enjoyed the franchise immediately after the passing of the Reform Act. With that number he should be satisfied. He did not ask hon. Gentlemen opposite to go further, and he thought that from the information now before the House they might, after a little time for the consideration of it, be able to determine what amount of value should be required from the occupying tenant, in order to give to Ireland as nearly as possible that number of voters. Upon that amount of value, be it what it might, he should feel disposed to fix the franchise. All he asked the House to do was this, to consent to the principle that in creating a new franchise in Ireland, instead of taking a very low amount of rating coupled with a lease, they should dispense with the lease, and take a higher amount of rating, that amount, however, being something considerably below that of England. Before he quitted the question of value, he would observe that in England the right of voting depended upon the amount of rent paid; but that, with the experience they had had of the tendency which existed to abuses of various kinds in Ireland, he thought it would be extremely injudicious to adopt the same principle in that country. He thought that the right of voting should be fixed, not upon the amount of rent paid, but upon the amount of the rated value of the property held, and for these reasons—that in fixing it upon the amount of rent, they would give a premium to high rents, which, in the opinion of all hon. Members was one of the greatest evils which afflicted Ireland, and also a premium to fictitious rents. Taking, on the contrary, the rated value of the property as the test of qualification, they would obtain a qualification easily ascertained, and liable to no abuse or fraud. He was aware, in proposing this alteration in the clause of his noble Friend, that he would be met by the very popular objection, that a reference to the experience of England showed that tenants without leases did not possess that independence which qualified them to vote: and he knew that many Gentlemen attributed a very prejudicial operation to the clause introduced into the Reform Act by the present Duke of Buckingham. But, in his opinion, this was an objection to which a very undue force had been attached. As far as he had been able to observe the working of the system in England, it appeared to him that tenants generally, whether they had leases or not, were extremely anxious to vote with their landlords, and that in all ordinary times, when no particular question upon which they held strong opinions, or which was likely to cause excitement, was being agitated in the country, they did so. But, in times of a different character, which were fortunately of rare occurrence, such, for instance, as that of the Reform Bill, he thought that tenants at will, and all others entitled to vote, threw off the influence of their landlords, and voted according to their own individual opinions. It was true that at the period of the Reform Act there were no voters who enjoyed the right of voting in consequence of occupation of land without leases; but a great number of persons holding land under landlords in English counties who possessed a 40*s*. franchise, and who in ordinary times would have been under the influence of those landlords, did at that period vote and act according to their own opinions and their own feelings, and without any reference whatever to the wishes of their landlords. So that there was no real practical difference in point of independence between the tenant who held a lease and the tenant who did not. He was confirmed in these views by what took place in Scotland. In Scotland the tenantry almost universally held leases; and, if he wanted to mention a particular election which more than any other since the Reform Act had given rise to the loudest complaints of undue influence exercised by landlords, he would be inclined to fix upon that for the county of Perth, at which his hon. Frind the Under Secretary for the Home Department, was defeated. Now, he believed that the tenants over whom that influence had been exercised were, almost without exception, tenants holding leases for the long period of nineteen years. Experience, then, proved, that in England and Scotland a mere lease was no proof of the independence of the voter. At the same time he did not mean to argue that a lease was an unimportant element to be considered, or to raise the question of comparative independence between the man who held a lease and the man who did not, their farms being of equal value and equal rent. That was not his object; but the consequence of his noble Friend's making the possession of a lease of fourteen years a part of the franchise, he proposed to give, the necessary consequence of improving this constituency was, that his noble Friend in order to obtain a sufficient number of voters was compelled to go down to a much lower amount of value than he would otherwise have found it necessary to adopt as a qualification for the right of voting. The argument he wished to press upon the House was, that the independence of the voter depended very materially on the amount of rent he was bound to pay, and that a man who was bound to pay a large amount of rent, in proportion to the real value of the property he held was in general less independent than a person in a different situation. In the reports laid on the Table by his noble Friend, he found the following statement from the gentlemen who were sent to examine the valuations of the different unions in Ireland:—

> "It is a universal fact prevailing in every union which we visited, that much competition for small holdings is more active than for large. The consequence is, that the acreable letting value of small holdings is considerably higher than that of large."

And in another place they state that—

> "Rents of small holdings are sometimes four or five times the valuation."

Now this circumstance of the higher rate per acre, at which the smaller holdings were usually let, was of the more importance when it was considered that the surplus produce of the land beyond the rent, was what constituted the tenant's means of subsistence; the occupier therefore of only a few acres in order to be as well off as the farmer to a larger extent ought to be called upon to pay as rent a smaller proportion of the gross produce of the soil; and when the fact turned out to be, that on the contrary the smaller occupiers taken as a class, had for the maintenance of themselves and their families a smaller proportion of the produce of each acre as well as of a smaller number of acres, it was obvious how greatly their condition in life must be inferior to that of the larger holders. Accordingly he believed it to be a fact which would be confirmed by the experience of every Gentleman in the House who was conversant with the subject, that nothing could exceed the misery of the small class of tenants, holding land to such a value as 8*l*. Every one who had written or spoken upon the subject, whatever their political opinions, had all concurred in this—that it was in general those small tenements which were so grievously over-rented, that the holders were persons in a very low situation of life. Another consequence of the more active competition for small holdings would be, that the clause proposed by her Majesty's Government would afford great facility for the creating of dependent votes. The landlord if so disposed, might divide his property into small tenements of the value of 8*l*., for which he would have no difficulty in finding tenants upon terms, which in spite of their holding under leases, would leave them completely at his mercy. Thus dependent votes might be created to a great extent, and there was surely great danger in offering to Irish landlords the temptation of being able both to extend their political influence, and to obtain an immediate increase of income, by resorting to the system ultimately so injurious both to themselves and to the country, of subdividing their land amongst a multitude of pauper tenants. It was known how injuriously this temptation had operated under the old system of the 40*s*. freeholders. But under that system various contrivances and evasions were necessary in order to confer a vote, and at the same time to retain the person who was to exercise it in a state of dependence, because the freeholder was bound to have a *bona fide* property in land of the value of 40*s*. above the annual rent. The bill of his noble Friend would render the process of creating dependent votes much easier and practicable, without any evasion or concealment. The landlord mould only have to let for fourteen years holdings of 8*l*. value, reserving rents beyond the power of the tenant to pay, and making an annual abatement so long as he voted according to his wishes; by this easy method votes might be created entirely dependent on the landlord; for the very moment the tenant ventured to assert his independence, and act differently in the exercise of his franchise than his landlord desired, that moment would the process of distress and ejectment be resorted to, and his lease would at once be put an end to. So far, then, from the lease constituting a claim to the franchise, or assisting to establish the independence of the voter, it would be only a stone tied round his neck; instead of making him a free man, it would but the more completely enslave him. It would debar him from the last resource of the wretched, overrented tenant—that of selling his goods, abandoning his unproductive land, and seeking relief in emigration. Hence he thought it was impolitic to make a lease an essential condition of the franchise, since it was by this that his noble Friend was driven to go down to such a very low grade in society, and to extend the right of voting to persons who were in a state of life infinitely beneath any class of voters to whom the franchise had been extended by the Reform Act. His noble Friend found this descent necessary in order to secure such a number of voters as, in his opinion, ought to exist, if he required a lease as a qualification. But would he obtain that number? Possibly looking only to the immediate effect of the measure he might do so; but even that was very doubtful. For the present, indeed, he might succeed in creating the number of new voters which he thought necessary. But what would be the result in a very short space of time? His noble Friend proceeded upon the assumption that there was an indisposition on the part of landlords to grant leases; and yet in the measure he proposed, he provided no remedy against the effects it must produce. Now the fact that a general reluctance to grant leases prevailed, was proved by the strongest evidence. It had been admitted by almost every speaker on both sides of the House, and had been asserted by the agents who had been sent round to examine the different unions in Ireland, they reported, that—

> "Leases expire, and are not renewed; and whole districts were everywhere to be found the tenantry of which were unrepresented."

How did his noble Friend meet that evil? Why, because the tenants of some estates, or perhaps a whole union, where the proprietors did not choose to renew leases, were unrepresented, his noble Friend proposed to give the right of voting to a very numerous and improper class of voters in the adjoining district. By such a plan he might keep up the number for a time, but not long. The hon. Member for Drogeda had said expressly that if leases were insisted upon the number ot voters would dwindle away, and in a very short space of time the Legislature would be called upon to undertake the same task again. But by what class of landholders was this indisposition to renew leases evinced? Were they exclusively persons of any particular school of politics, who feared that their tenants might vote against their views and wishes? Were they landlords who were in the habit of making hard bargains with their tenants, and extorting the utmost amount of rent from them? Far from it. The actuating motive of a great majority of these landholders was a desire to improve the condition of their tenantry. His noble Friend had a near relation who owned considerable property in Ireland, in the management of which he knew his noble Friend to take a great concern, and he would ask him whether upon this large estate leases were granted or renewed as they expired? He believed that they were not, and if he had not been misinformed there were other Members of the Cabinet holding large estates in Ireland who acted in the same manner, not renewing their leases when they fell in. His noble Friend, ought further to consider that this indisposition to grant leases had only grown up within the last ten, or at most, fifteen years, while leases were granted for two or three lives, or for twenty-one years, or for longer periods. It was obvious, then, that the effects which this indisposition must ultimately produce were only beginning to develop themselves, and that these effects would still further be manifested in a greater diminution of the number of voters; and for all this his noble Friend did not propose any remedy. The tendency of the clause proposed by his noble Friend was, to extend the franchise in ill-managed estates, where the landlords tempted by a desire to increase their rental, would cut up their lands into small portions for separate holdings. Thus a class of voters would be created of the lowest grade, and mostly under the influence of the least substantial and the least opulent landlords. At the same time, the operation of the measure would exclude a large proportion of the more respectable and independent classes. If any new franchise were to be introduced into Ireland, it would be far more expedient to take a greater value than his noble Friend had proposed, to dispensing with a lease as part of the qualification than to adopt the clause as it stood, extending it to persons holding leases of fourteen years, of the yearly value of 8*l*. But perhaps though his reason for giving the preference to a simple occupation franchise might be admitted to be good, if any new right of voting were to be created, his noble Friend the Member for Lancashire would say, that he had shown no ground for adopting any such measure, and for altering the Reform Act. He did not think that there were grounds for such an objection, he concurred in the opinion so well expressed in the late debate by the hon. Member for Cavan that there should be no mock representation of the people, but that they ought to enjoy a real and *bona fide* representation in Parliament; that such representation ought not to be the representation of a class—of that class, consisting almost entirely of owners of the land, but of the bulk of the community. His noble Friend opposite (Lord Stanley) had admitted this principle as unreservedly as he would admit it. The noble Lord said, he felt that the Irish people ought to be efficiently represented, and that the constituent body ought not to be reduced to a small amount; but while his noble Friend said this, he advised the House not to attempt to create a new franchise until an inconvenience was felt, or a difficulty might arise that rendered it necessary. He differed from his noble Friend greatly, because, in the first place, he thought that the inconvenience was experienced, and that the difficulty had arisen. The return just laid upon the Table of the House, showing the constituencies of the different counties in Ireland, proved to a demonstration, that the evil did not exist merely in anticipation, but had begun already. In the short space of time since February 1, 1835, to February 1, 1841, the diminution in the constituent body of Ireland was no less than 7,563, and this diminution had been chiefly among the lower classes of voters, exclusive of the 50*l*. freeholders. Such a reduction must be greater, he was sure, than his noble Friend could think expedient. Still if that diminution were not progressive, and were likely to stop, he (Lord Howick) should not attach so much importance to it. But it was only the commencement of a process which must go on, unless Parliament interfered; and when viewed in this light, it formed an unanswerable argument for immediately stepping in and providing a remedy. The whole amount of the Irish county constituency at this moment was 57,103; of leaseholders 10*l*. freeholders and 20*l*. leaseholders were 41,711. When he mentioned 10*l*. freeholders, English gentlemen must not suppose that he meant freeholders who were so by fee simple, the greater proportion in Ireland being freeholders in Ireland by virtue of leases for lives; and he believed the greater number of the 20*l*. freeholders were persons in the same situation, being also freeholders only by virtue of leases for lives. But to avoid exaggeration, he would exclude the 20*l*. freeholders, and take only the 20*l*. leaseholders, the 10*l*. freeholders, and the 10*l*. leaseholders; and he found that the class of voters who almost exclusively derived their right to the franchise from leases were no fewer than 41,711 out out of 57,103, being very little short of two-thirds of the whole. It was upon this large number that the indisposition to renew leases would produce its effects; and unless that House wished to see the constituency dwindle away, not by very slow degrees, and the right of voting taken away from the bulk of the people, some means should be taken for opening the doors to the more ready acquisition of the franchise. It was upon that ground he urged the propriety of granting an occupation franchise, giving to the Irish people a right of voting similar to that in England. His noble Friend (Lord Stanley) had talked of waiting until the evils were actually felt, before they attempted to apply remedies. But was it safe to deal with the discontent of a whole people? Was it wise to wait until discontent arose to a height at which it was no longer tolerable, before they attempted to apply a remedy? He had thought that this pitiful policy had been sufficiently tried in the case of the Catholic Emancipation bill. He never expected that any one would again dream of deferring a remedy until it could be no longer withheld without danger to all. There was another consideration which seemed to him to render it highly expedient to grant an extension of the franchise, at the same time that they endeavoured to reform the system of registration. His noble Friend must be sensible that whether his, or any other measure for this purpose, were adopted, the practical effect of it must depend very much upon the temper and spirit in which it was granted and received. Let them, then, when they passed a measure for correcting the evils complained of by his noble Friend the Member for North Lancashire, as regards the mere registration, provide means also for counteracting the causes which produced a diminution in the number of voters. Any reform in the system of registration must increase the effect of the causes already in operation, by which the number of voters is reduced, therefore, in attempting such a reform, they should couple with it a measure for extending the franchise and admitting within the pale of the constitution persons who would otherwise be excluded from it. It was possible that his noble Friend (Lord Stanley) might succeed in passing a bill for dealing separately with the evils of the present registration system; but surely the prospect of his doing so was not very encouraging, and even success considering the passions which must be excited in the contest was not very desirable. On the other hand he called upon hon. Gentlemen on his side of the House to consider the extreme importance of not asking for too large concessions; since this subject could only be settled by some agreement between the two sides of the House, because it appeared to him that either party possessed the power of preventing a good and reasonable reform, while neither party of itself could accomplish its own peculiar object. Gentlemen opposite would find it difficult, if not impossible, to carry a measure for the reform of the registration, without some improvement, not only in the definition of the franchise, but in the terms on which it was granted; and Gentlemen on that (the Ministerial) side of the House, to carry any reform that was not coupled with provisions for a thorough purgation of the register. Let them consider at how much expense, in the loss of public opinion, they would take the course of resisting an alteration of the registration, if an alteration should be found necessary. And after the admissions which had been made as to the extent of the franchise which existed; and the facts which had been clearly proved relating to the frauds practised at the registrations, even though they should fail to obtain an improvement of the franchise, let them be assured that the people of England would not join in an attempt to resist the improvement of the system. They might defeat that reform, but they would do so after a prolonged and angry contest, and, he was convinced, at a great sacrifice of reputation and character. But, on the other hand, if anything like an agreement between the two sides of the House could be brought about—if they could define the franchise fairly and justly for all parties an inestimable benefit would be conferred upon the country. Let him further observe, before he concluded, to hon. Gentlemen on that side, that it was the more necessary that they should endeavour to effect such a settlement, because they must be sensible that if they should succeed in preventing any change for the present year, and the registration should remain on its present footing, still the constituencies of Ireland would be reduced in a short time in a manner very greatly to be regretted. There was no chance of any reform of the system being carried, except one that should have the concurrence of all parties—no chance of any measure of this kind being carried, which was to be the subject of a determined and angry resistance from the powerful party opposite. That they might carry a measure so resisted through that House was possible, though he might unlikely but clearly, in the other House of Parliament, it must inevitably fail. And let them recollect that they were not now in the position in which they were at the time of the Reform Act. A measure for altering the franchise in Ireland would not have that support out of doors to which the Reform Act owed its success, and therefore they could have no reliance in overcoming in that way the opposition which it must excite. These seemed to him to be reasons which ought to weigh powerfully with all parties, and with every hon. Gentleman in the House, in endeavouring, if possible, to effect a settlement of this question ; and he believed that, on looking closely into the subject, the plan which he proposed would be found to settle the Irish franchise fairly for all parties, in a mode just to Ireland and satisfactory to the great body of the people of that country. He asked them to give a beneficial interest in the manner he had explained, and at the same time to add another franchise strictly analogous to one already existing in England. Such was the nature of the amendment he was now about to move. He could not conclude without expressing the regret he felt at having so imperfectly and inadequately developed to the House the grounds and reasons on which he founded his motion, and he would only further add, that even if the House should be disposed to differ from him as to the mode in which he proposed to attach the right of voting to simple occupation, that was a question which would arise only on a subsequent clause. The noble Lord then moved to omit, after "no person," all the words to the end of any clause, and to insert, "claiming under any act or acts now in force to be entitled to be registered, and to vote as a Parliamentary elector for any county, in respect of any freehold or leasehold property in his actual occupation, shall be deemed to have a beneficial interest therein of the clear yearly value required by such act or acts, except as hereinafter provided."

Viscount *Morpeth* could assure his noble Friend that it was quite needless in him to repudiate the notion that, in bringing forward this amendment, he could have been suspected of being actuated by any motives of merely embarrassing the Government. He felt sure that all who knew his noble Friend were aware that he could not be impelled to any course that was so unworthy of him and so alien from his whole character and disposition. His noble Friend stated, that he despaired of seeing this measure brought to an amicable settlement, or indeed any settlement, if either party stood upon extreme opinions. Now they (the Ministerial side) had done their best to demonstrate that they were not disposed to stand upon extreme opinions, because, even since the expiration of the recess, although they were convinced that the proposal they had originally made of grounding the franchise upon a rating of 5*l.* was amply borne out by the information which had been supplied, and by all that was known with respect to the subject in Ireland, they had not hesitated, within limits which they thought admissible in point of principle and just to the interests of the Irish people—they had not hesitated, for the sake of conciliating any scruples they thought might reasonably be entertained, to depart so far from the proposition formerly made, as to consent to raise the franchise by the slight amount since proposed. His noble Friend said, that in remodelling the franchise they would not be warranted in looking for great or warm support out of doors. He could assure his noble Friend that the Government calculated on no such aid or reinforcement, they rested their proposition upon its own abstract justice and merits. He was pleased to hear his noble Friend repeat the opinion he had formerly expressed, that he was most anxious that Ireland should enjoy an easily and simply ascertained test of rating. He was very glad to hear that his noble Friend adhered to that opinion. He thought that the justice of that opinion, and of the propriety of adhering to it, had been demonstrated in the course of the discussions which had taken place, and had been proved by all that had taken place in Ireland, to rest upon unassailable grounds ; and he hoped whatever alteration might be made by the committee in the bill, they would not lose sight of what he considered to be a fundamental principle, namely, the propriety of resting the basis of the future franchise upon some grounds easy of access and proof. His noble Friend had likewise expressed a wish that the constituency of Ireland should not be unduly diminished by any alteration. He entirely sympathised in that wish, and he only feared that the amendment put into the hands of the chairman might lead not to the fulfilment of his wish, but in the most striking and startling manner to counteract it. The amendments, of which his noble Friend had given notice, seemed to him to divide themselves into three parts. Two of them related to matters of substance, but the other related more to matter of form and expression. This last proposition, which was of a verbal nature, was the first in order of those which his noble Friend had proposed. His noble Friend had proposed to insert certain words in the first clause in lieu of the following words as they stood in the bill:—

> "And thenceforward no person shall be entitled, as a freeholder or leaseholder, to be registered as a voter for such county in respect of any freehold or leasehold property, in his actual occupation, save as herein provided."

Instead of this, his noble Friend proposed,—

> "And thenceforward no person claiming under any act or acts now in force, to be entitled to be registered and to vote as a Parliamentary elector for any county, in respect of any freehold or leasehold property in his actual occupation, shall be deemed to have a beneficial interest therein of the clear yearly value required by such act or acts except as herein after provided."

Now it seemed to him that it would be as open to them after the insertion of these words to carry out the definition of the beneficial interest by the proposition of the Government, as by the subsequent propositions of his noble Friend; in either case a change in the present law was made, and as he saw no good in pretending to make no change, whilst, in fact, a change was made, he was disposed to reject his noble Friend's proposition, and adhere to that made by the Government as one much more distinct, intelligible, and straightforward. His noble Friend then proposed that, to entitle a person to vote for Members of Parliament in Ireland, he should be rated at a rate of 5*l.* over and above all rent, and charges. Now, if his noble Friend had merely brought forward this proposition as an addition to, and alternative over and above the franchise which the measure of her Majesty's Government proposed, namely, a franchise derived from a rating of a net annual value of 8*l.*, so as to give a franchise to occupancy whether derivable from a leasehold or fee simple interest, he (Viscount Morpeth) should not now rise to object to it, because it could only be looked upon as an enlargement and relaxation of the principle adopted by her Majesty's Government, and not as a restriction of it. But he apprehended that, considered as a substitute for what her Majesty's Government proposed and as the staple franchise of Ireland, the proposition of his noble Friend would prove a mere delusion. He was sure that his noble Friend as he indeed had stated, had not made this proposition with a view of destroying the franchises of the people of Ireland; but at the same time his united proposals were open to many objections, and required to be carefully and jealously looked at. In the first place, the noble Lord in his second amendment, which related to mere occupation without reference to lease, did not state the amount of rating which he should think it right to propose as the qualification for the franchise—this was to be the matter of subsequent consideration: and, therefore, with this imperfect view of the subject before the House, he (Viscount Morpeth) would call upon them to pause before they gave their consent to that proposition, so brought before them, in preference to that which her Majesty's Government proposed. His noble Friend had found fault with her Majesty's Ministers for attempting to introduce a new form and condition of elective franchise in Ireland, which he stigmatised in common with some hon. Members who had at times spoken on the opposite side of the House, as being at variance with the three Reform Acts passed in 1832. With respect to this charge he would just beg to remind his noble Friend that the three Reform bills, as at first introduced, did actually attempt to confer a franchise on leaseholders of every description, paying a certain amount of rent, whether holding at a rack-rent, or at a rent leaving a beneficial interest. Even now, however, in England and Scotland, the franchise was enjoyed by all leaseholders liable to a rent of 50*l.*, without any reference to whether that rent was below or above the actual value of the tenement. The proposal made by her Majesty's Government on the subject certainly did not require that the occupier should be able to show any certain amount of beneficial interest in his holding; but it did propose such a test of rating as it was conceived would in general get at and include that class of persons on whom it was intended by the original Reform Act to confer the franchise. Therefore, when the spirit of the Reform Act was spoken of he maintained that he and his colleagues were acting in strict conformity with the spirit of that great measure when they sought to disembarrass and disencumber it of those impediments with which it had been found to be encrusted and hampered in practice, and so to give effect to the true intent and principle of that enactment. His noble Friend set out by assuring the House that his scheme of a 5*l.* profitable holding above all rent and charges would be liable to no objection and afterwards, rather inconsistently to be sure, he said it would be liable to the charge of great severity. He would not charge his noble Friend with any wish or attempt to curb and confine the franchise of the people of Ireland, but at the same time he was confident that his noble Friend in what he now proposed had done more than take a leaf out of the book of his noble Friend opposite, the Member for North Lancashire; and if he succeeded in inducing the House to adopt that scheme, his noble Friend would be a most useful pioneer to his noble Friend opposite in a way which even he had hardly professed himself ready to follow him in. The noble Lord, the Member for North Lancashire had never ventured to impose by distinct enactment the solvent tenant test; but his noble Friend, the Member for Northumberland not only attempted this, but more, for besides all the proper and peculiar stringency of the solvent tenant system, he added the stringency which always belong to a valuation formed for the purpose of a rate or pecuniary assessment, for he believed that in practice it had always been found that valuations, made under such circumstances, for the purpose of rating, were always much lower than the real value or than any valuation not taken for such a purpose. It seemed that in such a case the interests, not indeed of the whole taken together, but of each component party operated to beat down the ratings as low as possible; and, therefore, even if a new rating were made according to his noble Friend's proposition, he apprehended that the rating would be in all cases found to fall very short of the actual value. He was enabled, in fact, to test the probable operation of his noble Friend's proposition by the returns of the Poor-law rating, which had actually taken place. He regretted that all those returns were not yet in a complete shape before the House, but when they appeared he believed it would be admitted on all hands that nothing but the great labour and complexity of details which they involved had delayed them. From the returns already before them, he was enabled to make some statements he thought conclusive. In Athlone, it was stated, that the valuations had generally been made at a rate of ten per cent. under the actual value, and that the result appeared to give satisfaction both to the landlords and tenants, who seemed indeed to desire to have them made lower. In Bandon, the valuations for the municipal rates were uniformly higher than those under the Poor-law, and considerably under the actual letting value. In Castlebar, out of seventy returns, there were sixty instances of rating under the rent, and ten at over rating. In Clonmel, there were very few cases in which the valuation was not lower than the rent. In Cashel, the rating was stated to be at the rate of from 3*s.* to 5*s.* in the pound below the rents. Similar results appeared in the case of Cork: and in Roscrea, they had the authority of Mr. Scrope for the fact, that the rating was from ten to fifteen per cent. below the letting value; and twenty-five, and in some cases thirty per cent. below the real value. In Sligo, Bolton, and Tipperary, the same results appeared. But these might perhaps be considered only as matters of opinion. He would now beg, therefore, from the returns actually before the House, to take a few instances of the effect which such a scheme as that proposed by his noble Friend would have; in a word, to show how many of the electors of Ireland would be disfranchised if the amendment of his noble Friend were adopted.

"In Fermoy the number of 10*l.* electors, whose rents were ascertained, were 174. Of these there would be excluded, by a test requiring any excess of rating above rent, 118. By a test requiring 3*l.* excess there would be excluded 132; by a test requiring 5*l.* excess there would be excluded 140; by a test requiring 10*l.* excess there would be excluded the whole, except 15. Now, with respect to the character and station of those who would be so excluded, the 118 who would be excluded by a test requiring any excess of rating above rent, pay rent as follows:—There are two who each pay rents exceeding 200*l.*; fourteen who each pay rents between 100*l.* and 200*l.*; thirty-seven who each pay rents between 50*l.* and 100*l.*; ten who pay rents between 40*l.* and 50*l.*; twenty-three who pay rents between 30*l.* and 40*l.*; twenty-five who pay rents between 20*l.* and 30*l.*; five who pay rents between 10*l.* and 20*l.*; and two who pay rents between 5*l.* and 10*l.*

"In Bandon any excess of rating above rent would exclude fifty-three out of 141. A 5*l.* excess of rating above rent would exclude seventy-six. The excluded would be persons occupying considerable farms and paying a large amount of rent, as would be seen by the following table:—

Number excluded.	Who pay rents at the following amounts :—						
	100*l.* or upwards.	50*l.* and not 100*l.*	40*l.* and not 50*l.*	30*l.* and not 40*l.*	20*l.* and not 30*l.*	10*l.* and not 20*l.*	5*l.* and not 10*l.*
53	1	13	7	9	15	3	5

Additional persons excluded if 5*l.* excess of rating above rent be made the test :—

Additional number excluded.	Who pay rents at the following amounts :—						
	100*l.* and upwards.	50*l.* and not 100*l.*	40*l.* and not 50*l.*	30*l.* and not 40*l.*	20*l.* and not 30*l.*	10*l.* and not 20*l.*	5*l.* and not 10*l.*
23		1	1	4	6	1	1

Table of the acres of the excluded :

Excluded by any excess of rating over rent.	Of whom the number who hold farms of the following extent are as under :—						
	100 acres and upwards.	50 acres and not 100 acres.	40 acres and not 50 acres.	30 acres and not 40 acres.	20 acres and not 30 acres.	10 acres and not 20 acres.	under 10 acres.
53	3	27	3	9	8	2	1

ACRES OF THOSE EXCLUDED.

"Those excluded by any excess of rating over-rent would be 53. Of these there are 3 who each hold farms exceeding 100 acres in extent; 27 who hold farms each between 50 and 100 acres in extent; 3 who each hold farms between 40 and 50 acres in extent; 9 who each hold farms between 30 and 40 acres in extent; 8 who each hold farms between 20 and 30 acres in extent; 2 who each hold farms between 10 and 20 acres in extent; 1 who holds a farm under 10 acres. Total 53. If a test of 5*l.* excess of rating above rent were adopted, 23 persons in addition to the above would be excluded. Of those 23 there are, 1 who holds a farm of 100 acres, for which he pays 40*l.* a year, and is rated to the poor at 44*l.* 10*s.*; 8 who each hold farms of between 50 and 100 acres in extent, and paying rents which range from 14*l.*, which is the minimum to 64*l.* a-year; 4 who each hold farms of between 40 and 50 acres, and pay rents ranging between 16*l.* and 38*l.*; 2 who each hold from 20 to 30 acres; 5 who each hold between 10 and 20 acres; 1 who holds under 10 acres.

"IN LISTOWEL.—The number of 10*l.* electors whose rents were ascertained, were 265. Of these there would be excluded by a test requiring any excess of rating above rent 125; by an excess of 1*l.* 137; by an excess of 2*l.* 172; by an excess of 3*l.* 188; by an excess of 4*l.*, 202; by an excess of 5*l.*, 220; by an excess of 10*l.*, 250.

"IN CASHEL.—The number of 10*l.* county electors whose rents were ascertained was 142; of these there would be excluded by a test requiring any excess of rating above rent 112; by a test of 2*l*, excess over rent 116; by a test of 3*l.*, excess over rent 120; by a test of 4*l.*, excess over rent 121; by a test of 5*l.*, excess over rent 123; by a test of 10*l.*, excess over rent 133.

"IN TIPPERARY.—The number of 10*l.* electors whose rents were ascertained were 100; of those there would be excluded by a test requiring any excess of rating above rent 82; by a test requring an excess of 1*l.* above rent the number of the excluded would be 86; by an excess of 2*l.* the number of excluded would be 88; by an excess of 3*l.* the number of excluded would be 91; by an excess of 4*l.* the number of excluded would be 92; by an excess of 5*l.* the number of excluded would be 92; by an excess of 10*l.* the number of excluded would be 97.

"RENTS OF THE EXCLUDED.—Of the 82 10*l.* electors who would be excluded by a test requiring any excess of rating above rent, there are 7 who each pay rents of 100*l.* or upwards; 26 who each pay rents between 50*l.* and 100*l*;

4 between 40*l.* and 50*l.*; 15 between 30*l.* and 40*l.*; 14 between 20*l.* and 30*l.*; 13 between 10*l.* and 20*l.*; 3 between 5*l.* and 10*l.*: none who pay rent below 5*l.*

"There are 14 other 10*l.* electors who would be excluded if an excess of 5*l.* above rent were required; of these there are three who each pay rents between 40*l.* and 50*l.*; 1 between 30*l.* and 40*l.*; 3 between 20*l.* and 30*l.*; 4 between 10*l.* and 20*l.*; and 3 between 5*l.* and 10*l.*

"IN ARMAGH.—The number of 10*l.* county electors, whose rents were ascertained, were 96. Of these, there would be excluded by a test requiring any excess of rating, above rent, 22; by an excess of 1*l.*, 27; by an excess of 2*l.*, 36; by an excess of 3*l.*, 45; by an excess 4*l.*, 53; by an excess of 5*l.*, 66; by an excess of 10*l.*, 81.

"IN COOTEHILL.—The number of 10*l.* electors, whose rents were ascertained, 255. Of these, there would be excluded, by a test requiring any excess of rating above rent, 86; by an excess of 5*l.*, 151; by an excess of 10*l.* 213."

He thought that these facts would be sufficient to demonstrate to the committee, that the scheme of his noble Friend, the Member for Northumberland, when the sum was adopted which he proposed to move in his next amendment, was utterly untenable and inapplicable to the state of things in Ireland. The adoption of the test which his noble Friend proposed would almost entirely disfranchise the present occupying constituency of Ireland. This was a result which might be a very proper one if considered on any fanciful abstract theory as to what an independent constituency ought to be composed of; but what he did mean to say of the scheme of his noble Friend was, that if it were adopted, they would not be able to maintain and keep up in Ireland any constituency sufficient to carry out the notion and principle of a popular representative Government. He had thus stated the objections which he entertained to the views of his noble Friend; as the details of the measure proposed by her Majesty's Government came on for consideration, he should be prepared to defend them. At present, he would only say that he thought there were no means so likely to correct and prevent the abuses and malpractices at present complained of in election matters in Ireland as the adoption of some simple and fair test of rating, such as that which her Majesty's Government proposed in the present measure, and which, until he heard some better scheme proposed, he should not be willing to abandon.

Mr. *C. Wood* said, he conceived the amendments then before the House did not appear to be properly understood; for its effect would be to make a clear addition to the occupation franchise proposed in the bill, whether that franchise might hereafter be with or without a lease; and he did not understand therefore the ground on which the noble Lord opposed the amendment of his noble Friend, after having stated his willingness to accede to it, if it made an addition to the constituency. Now, the proposition of his noble Friend was an addition, and not, as had been argued, a substitute. The noble Lord the Secretary for Ireland complained, that the object of the present amendment was to disfranchise; on the contrary, it was proposed to remedy a sweeping disfranchisement, which some of the words of the noble Secretary for Ireland's bill would cause. It was introduced with a view of inserting more moderate words. The bill of the noble Lord destroyed the whole existing property qualification franchise of Ireland, and substituted in its stead one by leasehold occupation, while the proposition of his noble Friend near him (Lord Howick) would preserve a certain portion of that which now was in existence. The noble Secretary for Ireland argued throughout as if the proposition of his noble Friend (Viscount Howick) was brought forward as a substitute for that of the Government, instead of being, as it distinctly was, an addition thereto. But let the noble Lord look to the whole of what was proposed by his noble Friend, the substance of his noble Friend's first proposition, that which was now before the committee, being contained in the addition which he meant to propose to the second clause, and then let the noble Lord consider how the whole would work. If that addition was inserted, the clause would run—

"That after this act shall so come into operation in any county every person claiming under any act or acts now in force, to be entitled to be registered, and to vote as a Parliamentary elector for any county, in respect of any freehold or leasehold property in his actual occupation, shall be deemed to have a beneficial interest in such property of the clear yearly value required by such Act or Acts, if such property, or some part thereof, shall have been rated in the last rate made for the relief of the poor, at a net annual value which shall exceed any rent to which he may be liable in respect thereof, and any charges thereon, by the sum of five pounds per annum; and every male person, of full age, and not subject to any legal incapacity or disqualification, who shall have, at law or in equity, an estate of freehold in any lands, tenements or hereditaments situate in such county, or shall be entitled, at law or in equity, to any lands or tenements situate in such county, of any tenure, for the unexpired residue, whatever it may be, of any term originally created for a period of not less than fourteen years, &c., &c."

In the noble Lord's own words; and if his noble Friend's second amendment for removing the restriction of leasehold tenure was adopted, the words carrying that amendment into effect would afterwards be substituted for those of the noble Lord which he had just read, beginning at "Every such person, &c.,"—so that the proposal now under discussion would be a clear addition, either to the franchise founded on a lease, or to the franchise founded merely on occupation. The proposition had this great advantage, that it would constitute the constituency so that the whole Parliamentary franchise of Ireland would not depend upon a single species of qualification. If, then, he had made his noble Friend the Secretary for Ireland understand, that this proposition was moved, not as a substitute, but by way of addition to that of the Government, he should hope that his noble Friend would withdraw the opposition which he had intimated. It was to be observed, that all who had votes for Members of Parliament in the three kingdoms might be divided into two classes, one having a franchise based on property, the other on occupation. The property qualification required an interest in the tenement above rent and charges. In England, the freeholder in fee voted if he possessed a value of 40*l.* above charges. The copyholder and leaseholder on a value of 10*l.* above rent and charges. but in Ireland a value of 10*l.* was required alike in the case of the owner of the fee simple and the occupier with the lease. The whole qualification in that country rested on property with occupation as a condition. Now he thought it a great pity to destroy, as the proposition of the noble Secretary would do, the qualification based on property, which was the oldest known to the constitution, and also the best, inasmuch as it was the most independent. The proposal of his noble Friend near him (Lord Howick) would allow holders in fee simple rated on an annual value of 5*l.* to register. Of these persons there was but a small number, but there were some. But of persons paying a small amount of rent with leases for ever, or renewable for ever, who would be also admitted to the franchise, there was a very considerable number in the north of Ireland. He alluded, amongst others, to a class of holders formerly called *toties quoties* tenants, who held at small rentals under the Church lessees, and were entitled to renewal as often as the latter obtained renewal, and whose title had now become perpetual, since the law had declared the property of the lessees to be in perpetuity. Many of this class would be enfranchised by the proposition of his noble Friend near him, but disfranchised by that of his noble Friend, the Secretary for Ireland, if they were rated at the various sums between 5*l.* and 8*l.* with an interest above their rent of 5*l.* In that respect his noble Friend's amendment was an improvement upon the plan of the Government, because it extended the franchise to a class the most independent of any—not merely an occupying tenantry, but a class resembling, as closely as circumstances would allow, the small freeholders of this country. His noble Friend, the Secretary for Ireland, had argued all along as if this part of his noble Friend's proposition had been the whole of what was proposed, and the noble Secretary had stated that a large portion of the constituency of Ireland would be disfranchised by means of it. Now, he (Mr. C. Wood) admitted, and his noble Friend was aware that the first part of the proposition would operate to disfranchise if taken alone; but his noble Friend thought that they ought to aim at preserving a portion of the most independent constituency in Ireland, and that any deficiency should be made up by a franchise based on occupation as in England. Looking to the returns of ratings from unions in Ireland which had been laid on the Table by the Government, it appeared that in five unions, in the cases of nearly one-third of the 10*l.* voters, and in London being in forty-two cases out of forty-six, the rating exceeded the rent by 5*l.*; and this, he thought, proved that the proposition of his noble Friend, instead of disfranchising to the extent supposed by the noble Lord, would retain many of the present constituency. Believing, then, that the class of voters who had a franchise based on property was the best, and that it was most independent, he called upon those who looked for an extension of the independent class of voters, to accede to the proposition of his noble Friend, in addition to any other that might be made. If it were asked why his noble Friend had fixed upon the sum of *5l.* rather than any other, his reply was, because that sum best met the conflicting constructions of the beneficial interest clause; and in reference to this he might be allowed to remark, that he found the judges of a Court of Appeal in Scotland had concurred with the minority of the Irish judges in the interpretation of similar words in the Scotch Reform Act. Then with respect to the rating of the Poor-law, he believed that some fault had been found with that rating as a test; but he was disposed to think it a fair one: he had taken the pains to go through all the unions from which returns had been made, and he had found that 25 per cent. below the rent was the average rating, and this, as near as possible, was the case throughout England. The first part of the proposition of his noble Friend, if taken alone, would certainly disqualify a number of electors in the south of Ireland, but would enfranchise many in the north. The deficient numbers would be made up either by the leasehold franchise of the Government, or the occupation franchise of his noble Friend. He would now proceed to state the arguments against imposing the restriction of leasehold tenure on the new franchise. The noble Secretary thought he should be able, by means of the leasehold qualification, to maintain the number of the Irish constituency, but he (Mr. Wood) did not believe that even at a *5l.* rating it would be possible for him to maintain it for a permanency. His only object, as well as that of the noble Secretary, and he was persuaded also of Gentlemen opposite, was to have an adequate number of an independent constituency, but he did not believe the noble Secretary's proposal would accomplish that object. What was the state of the constituency of Ireland as compared with that of 1835, which might be taken as the time at which the Reform Bill had come into fair operation, and before the registry had been in a great measure swelled by the false entries alleged to have been made through fraud and perjury? To these charges of perjury he did not attach much weight, for when the judges themselves differed as to the construction of a beneficial interest, two individuals might very well swear to opposite statements, without either intending to commit perjury. In fact, if Judges Crampton and Perrin were in circumstances to be called upon to swear to the point, they would swear point blank against each other, without any man dreaming that either was guilty of perjury. Since 1835, however, the total reduction of voters in Ireland was 7,500, but the *50l.* freeholders had increased in that interval by nearly 300, and the diminution arising mainly from the falling in of leases, must be increased beyond the 7,500. The number of *10l.* voters in 1835, was 45,000; they were now only 38,000. So that the class which represented the peasantry of Ireland, was diminished by upwards of 7,000, while the others had received an increase. No doubt a considerable portion of this decrease was owing to the non-renewal of leases. The universal testimony went to show that, in Ireland there was a very prevalent feeling, (whether arising out of politics or from whatever cause) against the renewal of leases. This prevailed in every part of Ireland. In the Union of Newton Lismavady, in the county of Londonderry, there was evidence on the Table that, though no political objection existed to renewing leases, the practice of letting by lease was decreasing. Throughout the county one-half the farms only were held under lease, and the number was stated as being likely to decrease. In Coleraine the same was the case; so too in the Union of Rosscrea, in the King's County, there were stated to be very few leases. In Gort there were now fewer leases than formerly. In the Union of Castlerea there was great indisposition to grant leases, unless when landlords wished to create a political interest. There was a general, an almost universal testimony, therefore, that the system of renewing leases was going out in Ireland. It followed from that, that if the franchise were based on leaseholds, it would be based on a foundation which would soon cease to exist; they would be building on a sand that was gradually sinking and falling away; and whatever number of leasehold voters they obtained now, even if they went down to a *5l.* rating, which he presumed the Government felt they could not maintain, nothing was so certain as this, that five years hence they would not have that number, or anything like it. The disfranchisement had gone on at the rate of 1,000 a year during the last six years; and when the great object they were aiming at was not to diminish the number of voters in Ireland, and when it was objected that the proposition of the noble Lord, the Member for North Lancashire would still further reduce the number, it did seem to him (Mr. Wood) an extraordinary proposition for his noble Friend (Lord Morpeth) to make, that the franchise should be based on a condition that was daily expiring. The necessity would therefore arise, in no great number of years' time, to re-open the whole question, and then, if not now, the Government would see the necessity of having an occupation franchise. He confessed that he did participate, in the strongest degree, in the objection which his noble Friend (Lord Howick) took, with regard to the dependent nature of a leasehold franchise of so low an amount. He did not believe that the other object which his noble Friend (Lord Morpeth) had in view—namely, securing the independence of the voter—would be obtained by a lease, the amount of which was so low as 5*l.* or even 8*l.* He was perfectly aware of the objection which had been felt on this side of the house—the supposed dependence of the tenant at will; it was a popular objection to what was termed the Chandos clause of the Reform Bill; and he thought that, without much proof, the dependence of that class of voters, and the coercion exercised over them, had been very much exaggerated. He believed that much misrepresentation had been made, both as to the landlords of this country, who had been supposed to exercise their power improperly, and as to the tenantry of the country, who had been supposed to be driven against their will to vote in opposition to their own opinions. He did not believe that this, as a general rule, had been the case. He did not believe that the coercion had been exercised. He did not believe that, if it had, the tenantry, as a class, would have been coerced. He must say, that one of his chief reasons for being of that opinion was this, that he did not believe, taking the occupying tenantry throughout England generally, that their opinions materially differed from those of their landlords. Those who took an active part in English county elections knew perfectly well that on those questions generally deciding county elections—for instance the corn-law, church-rates, and other questions of that sort, there had been little difference between the majority of the landlords, and the majority of the tenantry. But the question, after all, was, not whether the occupying tenants were an independent class of voters, but whether leases would make them so; and he thought the experience of Scotland was a conclusive proof that a lease did not necessarily render the occupying tenant an independent man. Most undoubtedly, he had heard that complaints of coercion were as rife in Scotland as in England. He was not prepared to say that the occupying tenantry in general could under any circumstances be made independent of their landlords; his position was, that leases did not necessarily make them so, and especially leases of a small amount. So far as a rating of a high amount was a test of property, and so far as property was a test of intelligence and education, the occupying tenant of a high amount of rating must be presumed to have more intelligence and a better education than the leasehold tenant of a small amount. Most undoubtedly, the power of creating fictitious voters, which they heard of in the case of the Castlerea union, might be exercised under such a franchise to a very great extent, by granting leases at a small amount of rent. "No leases," said the commissioner, "are granted, except when they wish to create political influence." It might matter to the landlord, if the tenant was at a high amount, whether he would grant a lease, to ensure a good tenant; but in the case of a rent of 5*l.* only, it did not matter to the landlord whether the tenant had a lease or not; and those landlords who wished to acquire political influence could create dependent votes; those who thought that they could not depend on their tenants, had it in their power to withhold the franchise. The question was not so much whether they would have an independent or a dependent constituency, as whether they would have any constituency at all. If, by creating a leasehold franchise, they put it in the power of the landlords to destroy the existing constituency, he wished to know what situation they would then be placed in? He argued thus, as to the diminution of the constituency, even upon the supposition of the lower amount of rating which the Government at first proposed. It seemed, however, that they had now raised the amount from *5l.* to *8l.* He did not know how far his noble Friend (Lord Morpeth) had examined the returns which had been laid upon the table; but he thought he could make a statement which, if the noble Lord had not attentively perused those returns, would not a little astonish him; it was as to the effect that would be produced on the existing constituency by the proposal of a rating of *8l.* In going through these returns he found that there were 14 unions in which the number of *10l.* electors was given, and the number of those whose rating was under *8l.*; and it appeared that, out of the existing *10l.* voters in these 14 unions, very nearly one-sixth would be disfranchised by the proposal of his noble Friend (Lord Morpeth) requiring a rating of *8l.* Now, it certainly did appear to him to be a most extraordinary mode of keeping up the constituency of Ireland; if these unions were a test—and they were taken indiscriminately—if they were any test whatever of what the effects of that proposal would be on Ireland at large, the object being to resist everything which could reduce the constituency, when the first effect of the measure would be to disfranchise 6,000 of the present electoral body. In the last six years the electors of Ireland had been diminished from 45,000 to 38,000; and if the noble Lord's (Lord Morpeth's) measure were carried, another 6,000 would be disfranchised, and those who would then remain would be under the operation of those causes which had already effected this great reduction in their number. He repeated, that when 6,000 more were gone, the same cause, the non-renewal of leases, would continue in full operation. He would read the names of the 14 unions, in which, according to the returns, this effect would be produced; they were the unions of Lurgan, Dungannon, Castledeary, Sligo, Gorey, Kilkeel, Ballinasloe, Barbridge, Lisburne, Armagh, Athlone, Loughrea, Cashel, Castlerea. The number of *10l.* voters in the whole 14 unions was 3,291; and the number rated under *8l.*, was 528, nearly as might be one-sixth of the whole. Now, this was a result which his noble Friend could not have contemplated. Unless there was some gross error in the returns, which it was not in his power to detect, that would certainly be the effect of the proposal of his noble Friend. If then it were true that the effect of the non-renewal of leases had been what was stated during the last six years, he confessed that his noble Friend the Secretary for Ireland did seem to have entirely failed in that which was his (Lord Morpeth's) as well as his (Mr. Wood's) object, that of preserving undiminished at least that portion of the Irish constituency which might be said more particularly to represent the Irish people. He repeated again, that the amendment now before them was not the only proposal which his noble Friend made. The effect of the present amendment was to retain the present property qualification, and many of the present voters. This proposal *alone* would certainly diminish considerably the number of voters. It would produce that state of things with which his noble Friend the Member for North Lancashire professed himself ready to deal when it arose. There would be a considerable reduction of the number of county voters, and the representation would be thrown back into that state for which the noble Lord had rescued it by the Reform Bill. The noble Lord's hypotheses would have become fact, and he called upon him therefore, and he called upon those who thought that the franchise in Ireland should be preserved, to make up the number, by the occupation franchise, in addition to those who would remain under the operation of the first amendment, to that which would be a fair constituency for Ireland. His noble Friend, if it had been possible for him to do so, would have given notice of the amount at which he proposed that the occupying tenant should be rated. But it was not in his power to do that until the returns were placed in his hands, and they were only delivered this morning, thus not affording sufficient time to consider them. His noble Friend (Lord Morpeth) might regard the occupation franchise as a substitute for his leasehold franchise; but the only point at present to be decided was, whether they would retain as much as they could of the present franchise in Ireland, making up the number in some way or other when necessary, and to be hereafter determined by this House.

Sir *C. Grey* wished to say a few words on this amendment. He hoped it would not be considered any impertinent intrusion if he rose for the very natural purpose before the question was put, of understanding what the amendment was, and what were the words it proposed to amend. Before the speech of his noble Friend he was almost disposed to vote with him—but as the amendment was explained he could not do so. He begged the noble Lord (Lord Morpeth) not to consider this as a verbal amendment. Could his hon. Friend have overlooked the importance of the words "in his actual occupation?" On what ground, then, did he say that the 10*l.* franchise was taken away by the first clause of this bill? The hon. Member was in total error in supposing that this clause operated as a disfranchisement of the property qualification. The clause did not affect those who were in actual occupation. Having said thus much, he would state as shortly as he could his reasons for voting against the amendment, notwithstanding the words "beneficial interest." He held the omission of these words as one of the main merits of the noble Lord's bill. The mode in which the hon. Member proposed to deal with the beneficial interest would of itself prevent him from voting with him; but the insuperable objection he had to it was this, that it would operate to disfranchise a class of voters to whom it was intended to give the franchise in 1832. The hon. Member had omitted to mention those qualifications in which property and beneficial occupation are required to exist. The amendment of the noble Lord the Member for Northumberland would operate most injuriously with respect to those. Although such an opinion had been frequently repudiated, his (Sir C. Grey's) opinion was, that by a law a farmer occupying a farm for a term originally created, having an interest of 10*l.* a-year above all rents and charges was entitled to vote.

Mr. *C. Wood* explained. The proposal of his noble Friend was, not to disfranchise but to retain the franchise, and increase it as much as possible, and it was the hon. Member, and not his noble Friend who misunderstood the meaning of the clause.

Lord *Stanley* said—Sir, it was not my present intention to enter on the discussion of the question of qualification proposed by the noble Lord, the Member for Northumberland, or that proposed by my noble Friend opposite. So far as I am concerned it is of little importance to me whether in the body of a clause I gave my vote one way or another on an amendment which I am told is merely verbal. But it is because I do not consider this amendment as a merely verbal amendment, but as an amendment involving a principle, that, when I am called on to affirm or negative such an amendment, I hold it to be an object of the utmost importance to uphold the principle for which I contend, and which, it seems by this, her Majesty's Government are determined to destroy. The proposition of the noble Lord and the Government, a proposition be it remembered made now for the first time, two months after the introduction of this bill to the House—the proposition of the noble Lord and the Government, I say, founded on information only this day furnished to hon. Members, and which information was not obtained by them for the purpose of framing this bill, but for the purpose of bolstering it up after it had been forced upon the House. The last proposition of the noble Lord and the Government is that there should be one simple, uniform franchise for Ireland, without reference to situation or circumstances—without reference to beneficial interest or occupancy—without reference to the solvency or insolvency of the individual—without reference to his poverty or his property—namely, a rating to the poor of 8*l.* a-year. That, Sir, is the present proposition of the Government. In opposition to that the noble Lord opposite, the Member for Northumberland, comes forward and says, "I propose, to define the existing franchise," undoubtedly with some modifications, with some limitations and some alterations. "I propose," he says, "to take rating to the poor as a test for the franchise; and that not rating *per se* alone, but a certain amount above it I will hold to be a beneficial interest"—namely, an excess of value over and above the rating which I understand to be the beneficial interest. Therefore, however it may suit the purpose of hon. Members opposite to regard this as a mere verbal amendment, I cannot so regard it. It is an amendment which distinctly involves the question, will you abolish or will you maintain the beneficial interest as the test of the right to vote? Upon these grounds, then, I shall vote in favour of the amendment moved by my noble Friend in the first clause of this bill.

I do not conceive that this is the most convenient opportunity for entering upon a discussion in detail of my noble Friend's amendments, or of the proposition made by the Government; they will necessarily and naturally arise in their proper places upon the discussion of the 22nd clause; but I am now called upon to choose, if we are to do anything, if any alteration is to be made, if we are to legislate at all, we are now called upon to decide whether we will legislate upon the principle of a beneficial interest, or whether we will legislate upon the principle of no beneficial interest; and it will require some ingenuity of argument to persuade me, and I think, to persuade the country, that a divison upon that question is a division on a mere verbal amendment. But I am bound to say, without discussing the propositions in detail, that in a great deal of what has been addressed to the House by my noble Friend, I am disposed entirely and cordially to concur. I should regret with my noble Friend that the franchise in Ireland should be unnecessarily and unduly diminished. I should regret to see persons of the same qualification, possessed of the same property, having the same amount of beneficial interest, which in this part of the country gives the franchise (I am not now alluding to the 40*s*. freeholders, for they stand by themselves on grounds perfectly distinct from other voters), by the operation of any cause, whether arising from the state of the law or from any cause independent of the law, as the conduct of the landlords of Ireland in refusing to grant that which is a necessary preliminary to the franchise, leases, I should regret to see the constituency reduced to small numbers, and when that case arises, I shall be prepared to consider any proposition emanating from the Executive, with whom any matter of this importance must emanate, in order to give a chance of a successful issue. I shall be ready to consider with respectful attention , any proposition which may be made for meeting the evil, for an evil I think it whenever it occurs. But all through this discussion hon. Gentlemen have assumed, that the intentions of the Reform Act have been entirely frustrated; that a state of things, as to the county constituency of Ireland has arisen, which was not to be expected when the Reform Act passed; that, indeed, the Reform Act was a delusion upon the Parliament and upon the people, and it is assumed that the county constituency is at the present moment in a state of rapid decline and progressive diminution. Now I apprehend that there is no proof of any foundation for the one opinion or the other. When I had the honour of introducing the Irish Reform Act, I was asked what I considered was the existing county constituency, and I then stated 52,000; that is, I took the existing register, and found in that register 52,000 voters: but I was properly checked by the hon. and learned Member for Dublin, who told me,

> "True, there are 52,000 voters on the register, I am on the register, my sons are on the register; but my father, my uncle, and my grandfather are there too; and from my knowledge of the country I take on myself to say, that there are not near 30,000 efficient votes on the register; and your Bill cannot at the most add 1,200 to the present number. It must require an exorbitant stretch of imagination to suppose that the county constituency can ever reach 30,000."

That was the expectation entertained by the hon. and learned Member for Dublin; and also by Mr. Leader, then Member for Kilkenny. I said then that I did not anticipate as to the county constituency, any great increase of numbers, that I looked not to the county constituency, where abuses were not prevalent, but that I looked to the cities and boroughs for the great increase in the constituency as compared with the existing state of things; and, if I recollect correctly, my hon. Friends, the Member for the University of Dublin and the Recorder of Dublin, in opposing that measure, stated that they did not apprehend much increase in the county constituency, but that they did anticipate a great and alarming increase in the boroughs and towns. These are the expectations that were entertained on both sides of the House at the time of the introduction of that measure. As there was to be no alteration of the freehold franchise, and as the leaseholders were not many, though it was hoped they would increase, it was not anticipated by either party that any great increase would arise in the county constituency. However, by the Reform Act a new registration took place, great excitement prevailed; votes were no doubt put on with insufficient examination in many cases. The result was that in 1833, under all the excitement of the Reform Bill, when persons were rushing to the booths for the purpose of asserting their claims, and when those claims were often admitted with imperfect consideration and without opposition, the number of persons constituting the county constituency was 57,000. From that period to the present it was necessary, it was impossible but that it should have happened, even without the double registration, seeing that no vote whatever could be struck off, that the numbers must go on increasing to the first octennial registration; and so it had. In 1835 the numbers were 64,000; in 1837, 73,000; and I suppose I may say correctly in 1839, 99,000. But from what has this arisen? Why from the constant succession of names that have been placed on the register, whilst not a single name could be struck off. Among the 99,000, too, who appeared on the last register, a great number of those who had appeared on the register of 1832 re-appeared as a portion of the constituency; but in the course of the past year, in consequence of the lapse of time and the falling in of votes, at one sweep 57,000 names were swept off the register, whereby the constituency has been reduced to 42,000. But of these 57,000 a vast number were repeated again in the 40,000, and consequently it was natural to expect a large decrease in the past year; but, allowing for that decrease, the present number exceeds the constituency obtained in the first year after the passing of the Reform Act in all the heat and excitement which accompanied that event; and is only 6,000 or 7,000 short of that constituency which had been formed in 1835, two years after the bill had come into operation. And when I say only 6,000 or 7,000 short, I do so on account of an observation made by the noble Lord that itself was an argument to show the decrease which had taken place. But, I confess, that it does not seem to me a conclusive proof even of that, because, in the counties of towns and in the boroughs, there is a considerable increase over the numbers in 1835; and, looking to the places where there is a decrease, I find that it is in those counties where it might naturally be expected that on the polling of the first batch of voters, parties would not renew their franchise because there has been no contest—nothing to lead men to register. The total decrease is between 6,000 and 7,000, and that mainly taken place in these eleven counties in which there has been no contest—Antrim, Armagh, Clare, Donegal, Galway, Limerick, Londonderry, Mayo, Waterford, Wexford. [Mr. *O'Connell:* What! no contest in Wexford, Waterford, Galway?] Not at the last election. I am speaking of the motives which, in 1840, would or would not lead men to register, the franchise having lapsed by time—and I believe in no one of those counties has there been a contested election except in Limerick, when the defeated candidate polled the formidable number of fourteen votes. Not only does the deficiency in these counties account for the total decrease, but in the remaining counties there is an actual increase over the numbers in 1835 of between 4,000 and 5,000 voters. I don't mean to say that a deficiency in the constituency may not be going on; but I say that we have no proof before us that it is going on. I have reason to believe that many persons are now withholding leases, not on political grounds, but on grounds entirely independent of politics, being solely connected with the improvement of their estates; and that may have the effect of unduly decreasing the constituency; if it leads to that consequence, then the amendment of my noble Friend would be the proper mode of meeting that evil, by conferring on the tenant at will what the Government wishes to restrict to leaseholders; that is the proper mode of remedying an evil which arises from the refusal of the landlords to grant leases. I have gone more than I intended into the subject of these amendments; my object was, to express my concurrence in most of the principles enunciated by my noble Friend; and when I am satisfied that there is danger, and imminent danger of an alarming deficiency in the constituency, arising not from the want of a property qualification, but from circumstances connected with that property, I shall be prepared to consider any proposition which may be submitted to the House; but I should not seek a remedy in the proposal of the Government; and because one gentleman refuses to grant leases to his tenants, therefore enable half a score more to inundate and swamp the register with voters having no qualification, no property, no beneficial interest. I cannot, however, as at present advised, in the present state of our information, assent to the necessity of making any alteration or augmentation of the existing constituency; nor has my noble Friend, as I think he will himself admit, in his hands the means and materials for supporting the details of his plan. He has been successful in exposing almost the absurdity—at least the want of consideration—attending the plan of the Government, and the many faults of the Government measure. I am prepared to vote neither for the one plan or the other as fit to be adopted; but if I am called upon to give a vote in affirmation of the one principle or the other, I must say I entirely concur in the principle of my noble Friend; I am not called upon to decide upon the adoption of one or the other, but to decide merely upon the comparative merits of the two principles involved in the amendment of my noble Friend, and I cannot hesitate for a moment to give my adherence to the principle of affirming a beneficial interest in opposition to the principle contended for on the opposite side.

Mr. *O'Connell* said, that he had not intended to take any part in this discussion; but he had been driven from his intended silence by some of the observations of the noble Lord. The noble Lord had talked of the estimate he had made when the Reform Bill was introduced of the extent and probable increase of the county constituency, and had stated it correctly so far as he went. At that time he certainly had shown, that instead of 52,000 there were not above 26,000 or 28,000 available votes on the register, and that they were not likely to be increased by 2,000; but when was it that he said that? At that time the noble Lord had not inserted the clause for a 10*l.* chattel occupation; and now the constituency was 20,891 less than it had been. He begged the attention of the House to the actual state of the constituency. In Hertfordshire there were 95,977 inhabitants, and 6,150 voters; in Galway, which had been contested twice since the Reform Act, there were 381, 564 inhabitants, but only 2,088 voters; in Donegal there were 289,000 inhabitants and 1,452 voters; in Mayo 366,328 inhabitants, 952 voters. So that in these three counties, with a population of 1,037,041, only 4,548 were entitled to vote; a smaller number than that of the voters for the county of Hertford, the population of which was only 95,977. Look at Cork, with 713,000 inhabitants and 3,784 voters, whilst Wales with a rural population of 700,000, had 36,000 electors. The fact was manifest; the Irish constituency was miserably narrow, becoming less every day. The real question, under such circumstances, was, how they meant to govern Ireland? He was not so absurd as to imagine that he could make any impression upon the House by important facts. It was clear that there was very little prospect for Ireland from that House, and none at all from the House of Lords. But he would enter more at large upon this view of the subject on a future occasion. He had now pointed out these things to show that England and Ireland were not on a par; that they might call it an union, or what else they pleased, but there was no equality between them. The noble Lord had said, that the 40s. freeholders stood on a different footing; but he denied it. It had been said, that those 40*s.* freeholders had been sacrificed to a compact; but the right hon. Baronet opposite would agree with him that there was no compact. A compact of that sort might have been made in 1825, but between 1825 and 1829 they had rescued themselves altogether from the controul of their landlords; they exercised their franchise free from the dictation of any one, and accordingly they were disfranchised. He wanted to know why, if England was to have 40*s.* freeholders, Ireland was not to have them; Ireland was certainly the poorer country; why did not the noble Viscount (Howick) propose that? Then he would believe everything he had said in his own praise; but when he found that noble Lord embarrassing instead of aiding them, and gaining cheers from the other side of the House, he did not impute motives to any one, but he must say, that this was not the way in which he should endeavour to effect an extension of the franchise in Ireland. It might be perfectly safe to treat Ireland in this way; but he could tell the House this—that she gerfectly understood the injustice which was done her, and appreciated the degree of contempt which was exhibited towards her.

Lord *John Russell*: Before the House divides I wish to say a few words on the proposition made by my noble Friend the Member for Northumberland (Viscount Howick); and I am exceedingly sorry, both from what he stated, and from what has been said by the noble Lord (Lord Stanley) opposite, to find that there does not seem to be any prospect of the House succeeding in making such an improvement as must result from the settlement of the elective franchise in Ireland upon a firm and defined basis. Without wishing to state it as a reproach to the noble Lord opposite, I must observe that I conceived our position to be this: that in the course of discussions regarding Irish registration, there was a very general impression that no system of registration could place the Irish franchise on a satisfactory basis unless the franchise itself were so defined as to prevent the contradictory claims—the contradictory decisions which led to the irregular practice which at present prevailed in that country. The bill of my noble Friend, as introduced at the commencement of the present Session, proposed to define the franchise; and my opinion is the same as that which my noble Friend has declared to-night, that the proposal that we made, namely, of a fourteen years' tenure, with a *5l.* rating to the poor-rate, was a franchise which would have given the right of voting to persons of property in Ireland, and at the same time would have effected so extensive an improvement of the franchise as to give contentment to the country. Nothing of the information that we have since received has induced me to alter that opinion. But I did think, and I stated it to the House when I proposed the adjournment of the question—I did think it of such immense importance to obtain, if possible, an agreement upon a question of this kind, and not to leave it for another year to a course of agitation in Ireland, not to continue the discontent which I must say so naturally arose in that country from the menace of disfranchisement which was held out last year; I thought this of so much importance, that I considered it worth while to subject myself to the taunts which might be made against us, which have, in fact, been made to-night, and in which even my hon. Friend the Member for Halifax (Mr. Charles Wood) has a little indulged, namely, that we were departing from what we originally proposed, and that we were disfranchising some who were already electors. I say, I thought it worth while to risk those taunts, and to raise the sum originally proposed, in the hope—illusory it now seems—that we should bring to a successful close this much vexed and much agitated question. Although that attempt may fail, I do not, in the least, regret, that it has been made. I think it was our duty to subject ourselves to any sarcasms of this kind, in order, if possible, to retrieve the unfortunate error made by a great party in that House. It was my opinion, and still is, that Ireland having suffered much, having suffered wrongs, which I will not attempt to describe—(they were described in language stronger, perhaps, than I should use, in a recent debate by an hon. Member for Newark)—it was, I say, and still is my opinion, that Ireland, having so suffered, if you could possibly arrive at a period in which you should have no question before Parliament which should put in a conflict the passions of different parties in Ireland—if you could possibly arrive at such an interval of tranquillity as should enable men who were intent upon the pursuits of industry—who were intent upon the improvement of agriculture—who were intent upon the extension of commerce, to give their attention to those subjects, and to divert them for some few years from political contests, you would obtain a great benefit for that country, and for the nation at large. But it appeared to a great party in the House, that this was not the course to be taken. It appeared to them better to raise questions which gave to them a party majority and a party triumph in the course of the last Session, and every one of which excited more and more the anger, the indignation, the feeling of wrong done to them among the people of Ireland. I was in hopes, however, that by sacrificing something of our opinion, another course would have been taken, and that the House generally, I will not say without difference of opinion, but that the great body of the House would have consented to the adoption of some law which should again have allayed the storm which had unfortunately been excited. It appears, that in that hope, we are to be entirely disappointed. It appears, from the speech of the noble Lord opposite, that if he votes for this amendment, which, in itself, I consider, is only placing in a different form of words, the operation of this bill—it appears, that if the noble Lord votes for those words he will do so on the ground that they maintain the principle to which he adheres, of an interest above the rent. Now, it is for that very reason—for the very reason which the noble Lord has stated, as inducing him to vote for these words, that I am led to oppose them; because, although the sense of those words might in a subsequent clause be so altered as completely to change their meaning; yet, as they at present stand, they appear to me to give a sort of sanction to such a definition of the franchise, as, in my opinion, would be utterly destructive of it. I cannot help again referring, as there are now some Members present who were not in the House at the time my noble Friend (Viscount Morpeth) was speaking, to some of the instances in which even such a clause as that proposed by my noble Friend (Viscount Howick) would destroy the franchise of the existing voters. Be it observed, that what my noble Friend is hereafter to found upon the words he now proposes, is a proposition to the effect, that the tenant who pays rent to a certain amount shall be rated 5*l.* beyond his rental. Now, I believe, whatever the intention of the bill destroying the 40*s.* franchise—whatever the intention of the Reform Bill—that the introduction of such a test, as that suggested by my noble Friend, would be to deprive a great body of the present electors of the right of voting. As a proof of it, he would again trouble the House with some of the figures quoted by his noble Friend. [Here the noble Lord quoted the statement read by Lord Morpeth, showing the extent to which the rating above the rental would operate to curtail the constituencies in most of the counties in Ireland.] What, then, is this proposition? What is it but the taking away of the franchise which now exists? In what light can it be considered but as destructive of the franchise? Yet my noble Friend proposes it as calculated not to limit, but to extend the franchise. The noble Lord (Lord Stanley) opposite adheres to the decision given by the judges. I find no fault with the judges for giving that decision, because, if it were founded upon their opinion of what was the correct interpretation of the law, they were perfectly right in giving it. They were perfectly right in saying—

> "It is not for us to consider what Parliament intends—it is not for us to consider what the policy of the Legislature may be in regard to the franchise—we can look only to the letter of the act, and consider the meaning of the words which it contains."

Therefore whatever the interpretation of the judges, I wish, as far as possible, to declare, that it is their duty to give that interpretation according to their sense of the proper meaning of the words of the act. But this, I think is manifest, that if the interpretation of the judges is to be admitted—if, as the noble Lord proposes, the interpretation given by the majority of the judges is to be adhered to, it will certainly go much further than the proposition of my noble Friend, the Member for Northumberland, (Lord Howick)—it will, in fact, destroy the franchise of the greater part of the present voters; and it is no answer to say, as the noble Lord opposite (Lord Stanley) has said, "Look at the present number of electors on the roll," because there have been other interpretations given by revising barristers and by some of the judges. But the question now is, whether, if you do not adopt some clear and definite franchise, you will not, in fact, be making the sense which has been given by the majority of the judges the prevalent interpretation of the law. I therefore cannot agree to the insertion of these words by my noble Friend, the Member for Northumberland, as introductory of his plan. I think they would be very inimical to the franchise. Neither can I derive any consolation from the assurance of the noble Lord opposite, that when the franchise shall have been destroyed, he will then introduce some bill to restore it. When you have changed the representation of Ireland—when you have a representation of the people in which the people have no voice—when you have a mere nominal representation of the people—when, according to the noble Lord's description, some three or four chief proprietors will name the representatives for the different counties—when the people of Ireland are thus nominally represented, of what use will it be for the noble Lord to say, "I now see that the franchise must be changed?" It seems to me, that if you do mean to keep up the franchise in Ireland—if you do mean to let the people have a real representation, the present is the time at which the work ought to be accomplished. If, on the contrary, it is your determination, and the determination of this House, that the people of Ireland are not to be represented in Parliament, then I think it would be better to take some clear and direct way of excluding them from the franchise. I think it would be better, that you should declare in plain and direct terms that the people of Ireland are not fit to be entrusted with the rights of representation; that you, the Parliament of the United Kingdom, boldly take your stand upon that ground, and that you mean to abide by that declaration. After all I have heard to-night, I can only gather, that it is intended to proceed in that indirect and tortuous way of disfranchising the people of Ireland which I saw attempted in the last year—a way that will not be the less effectual because it is indirect, but which I certainly shall never cease to denounce and oppose; and I trust that the people of Ireland will believe that, if these attempts should unhappily make any progress, it is not that the people of England wish them to be treated with this injustice and this wrong, but that, on the contrary, the people of England wish to see them honestly and fairly represented—[*Great cheering from both sides of the House*]—that the people of England wish to see them honestly and fairly represented and not defrauded of their rights by withdrawing from them those privileges which even when you took away the right of voting from the 40*s*. freeholders, you granted, in a manner that showed considerable generosity, and a great sense of the value of the privilege of voting for Members of Parliament. Do not imagine that you can without remark, without exciting great indignation, withdraw the privilege which in 1829 you granted to the people of Ireland. My belief is, that by acceding to the bill of my noble Friend (Viscount Morpeth), and by adopting the franchise which he has proposed, you will act in the spirit of the bill of 1829, and of the Bill of Reform of 1832; and that if, on the contrary, you take an opposite course, it will not be long before you will wish that you had not interfered to excite a spirit in the people of Ireland which will justify them in making greater demands, and force you to make greater concessions.

Sir *R. Peel* rose and said—Sir, the noble Lord has, on this occasion, pursued the course which he almost uniformly pursues when he has some very defective measure to defend, that of trying to divert the attention of the House from the subject properly under its consideration, and by some general declamation about popular rights in some charges against his political opponents, to raise a cheer in the behalf of those who sit behind him, under the cover of which cheer he himself retires from the discussion, and fancies that he has been triumphantly successful. The noble Lord charges my noble Friend wlth an intention so to reduce the constituency of Ireland that the counties of Ireland may become nomination counties; and then the noble Lord says that my noble Friend professed an intention to condescend to introduce a Reform Bill. The noble Lord charges us with an intention to defeat the expectations which were encouraged by the Act for the Relief of the Roman Catholics, and by the Reform Bill. I utterly repudiate any such intention. I do not think there would be any advantage to any interest, to any party, in defeating such an intention. My noble Friend distinctly stated, and I repeat, "If you will prove to us by conclusive evidence, that the constituency intended hy the Reform Bill has been materially diminished, we will then consider a proposal for increasing it, if brought forward by those only who can suggest it with advantage, namely, those who fill the executive offices of Government, and have the means of information in their power." But, the question arises, has the constituency been materially decreased beyond the measure that was contemplated by the Act of Reform? Sir, the hon. Gentleman, who was better qualified to judge of what was the constituency immediately after the Reform Bill, or the constituency that would be given by the Reform Bill, than the hon. and learned Gentleman. Sir, I have his own words—he is speaking on the 18th of June, 1832, and the hon. and learned Gentleman distinctly states:—

> "The hon. Member for Kilkenny had made a calculation of the returns of the number of persons who polled at contested elections in eighteen of the counties of Ireland; and that number amounted to 15,211; there then remained fourteen counties unpolled. But it should be observed, that the contest took place in those counties where there was the greatest number of voters. Now, let any man calculate on these data; and he would fearlessly ask him, whether, in giving a constituency of 26,000 to Ireland, he had not placed the number infinitely too high?"

Make the number caused by the additional franchise to be 26,000, and can the hon. Gentleman show that the constituency, as it at present exists, is diminished beyond the expectations excited in 1832? But what is the proposal of the noble Lord? I will assume, for the sake of the argument, that you have afforded us that proof and demonstration, that you have shown that from the operation either of laws, or of social causes beyond the control of laws, there is a considerable decrease in the constituency of Ireland, and a tendency to further decrease. I will assume that you have proved that. Then I say, even if I grant that that has been proved, the noble Lord has provided a most indefensible and inefficient remedy. That is the question which we are considering to-night. The noble Lord says, in consequence of the refusal of landlords to grant leases, the constituency of Ireland is undergoing a considerable diminution. And what does the noble Lord propose as a remedy? He proposes a measure which makes a lease indispensably necessary. The noble Lord, in providing for the increase of the constituency, what course does he pursue? He subverts altogether the existing franchise in Ireland. In England, in Scotland, and in Ireland, with the exception of the 50*l.* clause, the main element of the constituency is interest in the land and profit from it. It always has been so. Is it right, in the case of Ireland, mainly dependent for her prosperity on the success of agriculture—is it right, in the case of Ireland, that profit from the land should be altogether excluded from the franchise? But the noble Lord proposes that the right of voting for thirty-two counties in Ireland shall be exactly coincident to the right of voting in boroughs and towns—namely, that occupancy alone, as tested by the rating, should constitute the franchise. Has the noble Lord given us any argument in favour of such a substantial alteration? Has he considered the effect of that alteration upon the franchise in England? How long will the noble Lord maintain profit from the land as an element of the franchise in England, after he has subverted it in Ireland, and substituted merely occupancy, as tested by rating in Ireland? It is an important principle which the noble Lord recommends us to adopt—a principle of very extensive application. He will find it exceedingly difficult to maintain one franchise in Ireland and another in England. If the one invariable franchise in Ireland is to be mere occupancy as tested by rating, the effect, I believe, will be to place the return of the Irish Members very much in the hands of the same class of constituency as now return the Members for the boroughs. Well, then, I object entirely to the principle upon which the noble Lord proposes to alter the franchise. And am I not at liberty to make that objection, without being immediately met by the noble Lord telling us, "Your object is not merely to defeat my bill, but to reduce the counties of Ireland to the lowest point of representation?" The noble Lord charges us with reducing the franchise. Why, the hon. Member for Halifax told him, not merely that he was taking a leaf out of the book of my noble Friend, but that he was founding his franchise upon a shifting sand; that he went infinitely further towards reducing the franchise than any reduction which my noble Friends have made by the amendment of the registration. The hon. Member for Halifax showed the noble Lord, that the effect of the franchise which he proposes in fourteen unions in Ireland, would be to reduce the number of electors now entitled to vote by one-sixth. That is the allegation which the hon. Gentleman made against this well-considered plan of the noble Lord. Why, what confidence can we place in you as legislators fit to deal with this subject? You had the whole of the recess; you were aware that this subject was undergoing consideration; you had the means of gaining official information; you had every element which could enable you to bring forward a measure which was likely to conciliate public opinion in its favour, and you brought forward a measure; destroying the existing franchise in Ireland, and substituting a 5*l.* occupancy. We remained under the impression that we were to discuss the question of 5*l.* occupancy, and two or three nights before we enter upon the consideration, without a reason assigned, the noble Lord changes his proposal from 5*l.* to 8*l.* And what does the noble Lord say now? The Secretary for Ireland tells us now, that he could support his 5*l.* franchise by a reference to facts and evidence, which shows that it was a proposition that ought to have been made. Why then was it abandoned? From whence came the suggestion of objection? Not from this side of the House. The noble Lord said—"I have made this alteration in the hope of conciliating your favour, and now you are so unreasonable as to object to it." We never objected to the amount, we objected to the principle. Now, what can be more unfair than the course which the noble Lord took in throwing out these insinuations against us? We said, "We object to a uniform franchise for all Ireland." We said, "If you make leasehold the only element of franchise there is a tendency on the part of landlords to withhold leases; you make no settlement of this question, because, if a disposition to withhold leases exists, you are not affording any sufficient remedy for the evil." And then the noble Lord changes the qualification from 5*l.* to 8*l.* He does nothing to remedy our objection to the principle of his franchise; but he charges us with being unwilling to effect a conciliatory settlement, because he has not gained our favour, by making an alteration in degree, without the smallest alteration in principle. These are the grounds why we object to 8*l.* equally that we object to 5*l.*—namely, that the main objection, in point of principle, remains entirely unchanged by the alteration in the bill. But we have another proposition to consider, in addition to that of the noble Lord, the amendment proposed by the noble Lord, the Member for Northumberland. The noble Lord, as I apprehend, brings forward a distinct and specific proposition in opposition to that of the Government. The noble Lord's proposal I apprehend to be this—that the noble Lord will retain the beneficial interest, that he will require as an essential condition, for one franchise, and that, perhaps, the main franchise, a profit derived from the land, that profit not to be ascertained by the oath of the party, but to be determined by rating. The noble Lord did not propose that as an exclusive franchise, but the noble Lord objects altogether—as I understand him —to the proposal of the Government, and professes to substitute for that proposal something of the nature of that clause in England, which has been called the Chandos clause, that is to say, he will require the payment of a certain rent, but he will infer the rent from the amount of rating. The extent of the required rent he has not defined, because he says he has not acquired the information on which he can safely proceed. Now, from that principle of the noble Lord I do not dissent. I think it is desirable to retain the beneficial interest; I think it is desirable to maintain a profit from the land as an element of the county franchise. If it should be shown to me that, in the proposed change in the Irish constituency, a profit voted by rating is essential, I should not be indisposed to take into consideration that other proposition of the noble Lord—namely, not to require a lease, but to require the payment of a certain amount of rent by a tenant-at-will, and thus to counteract that objection which is made at present, from the unwillingness of the Irish landlords to grant leases; but I am not prepared to adopt the details of the noble Lord's measure. I will, however, vote with his amendment, because it recognises the beneficial interest, and an element of the county franchise. I consider the noble Lord's amendment to the first clause, to be exactly tantamount to an abstract resolution of the kind. Suppose we had met the noble Lord's bill on his motion for going into committee, by a resolution to the effect that mere occupancy could not entitle to the franchise, but that a profit from the land was indispensable in the county franchise—suppose we had made such a motion, I consider it would have been exactly tantamount to the amendment of the noble Lord. A great principle was thus at issue between the two noble Lords. The noble Lord, the Member for Northumberland wished to maintain an essential element in the county franchise, a profit from the land, or a beneficial interest, while the noble Lord the Secretary for Ireland proposed to subvert the existing franchise, and to take occupation, as tested by rating, as the only element of the franchise. I give my preference to the principle involved in the amendment of the noble Lord, the Member for Northumberland. Why, then, do I not support his measure? Because I do not think the noble Lord is in a position which will enable him sufficiently to adjust this question. It appears to me, that the simple substitution of the first franchise he proposes, namely, to require a certain amount of rating above the rent, would give a very extensive franchise. I think, that simply to require rating above the rent would confer a very extensive franchise. It would be impossible, however, to propose what the required amount should be. I am at a loss to ascertain it, and while I admit the principle, I am not prepared to accede to the details of the measure of the noble Lord, or approve of the machinery by which he proposes to carry his bill into effect. In point of fact, he admits he is not prepared to specify the amount of rent which should be required. I apprehend we are about to come to a vote which is decisive of the fate of the bill;

at least to a vote which, if it be carried against the noble Lord, will render it nesary to proceed with a measure directly at variance with the present. I am glad an opportunity has arrived of taking the sense of the House on the point. I am glad the noble Lord does not now consider this a mere verbal amendment. I am glad he considers that a great question is now at issue. I am glad that before we proceed further with the details of the bill the sense of the House shall be fairly taken, as to whether a profit should be considered a distinct mark of the county franchise; and I do entreat hon. Gentlemen carefully to consider what will be the effect on the constituencies of England, and on the franchises of England, if they consent that mere occupancy in Ireland shall determine the county franchise. One word as to an observation made by the hon. and learned Member for Dublin. I did not state on a former occasion, that there had been any contract in 1829, between the advocates of the Roman Catholics and those who proposed the Roman Catholic Relief Bill. I admit to the hon. and learned Gentleman, that there had been no such contract in existence. But this I stated, and this I repeat, that the evidence given by the advocates of the Roman Catholic claims in 1825, did fully justify the disfranchisement of the 40*s*. freeholders in Ireland. I stated that the hon. and learned Gentleman, as well as the hon. and learned Member for Tipperary, and Mr. Blake, a Roman Catholic gentleman of great eminence, had all given it as their opinion, that it was essential to the interests of Ireland, that an intelligent and respectable yeomanry should be formed and invited to the exercise of the franchise, and that those results were more likely to be obtained under a limited and independent constituency than with such a constituency as that of the 40*s*. freeholders. I stated that Mr. Dominic Browne, the Member for Mayo, had declared that when there were 25,000 voters in the county, it was a nomination county, and that when the constituency was reduced under the Reform Bill to 9,000, the independence of the constituency had been secured, and no one could nominate for the county. I stated, that when the electors voted formerly against their landlords they were subject to so much oppression, that in order to rescue them from their condition, it was found desirable to modify the franchise. That was what I stated; but I never stated that there had been a compact between the advocates of the Roman Catholics and the Members of the Government. The hon. and learned Gentleman had again referred to the amount of population. I apprehend that her Majesty's Government will not concur with him in looking on population as a test for the franchise. The question is not, I apprehend, as to the amount of population, but as to the amount of intelligence and respectability, free from all external control, which we can command. That was avowed to have been the principle of the Reform Bill—that I apprehend is still avowed to be the principle of her Majesty's Government. The question, then, does not now arise as to whether or not the franchise should be co-extensive with population; the question in dispute is this, whether her Majesty's Government have made a proposal which entitles them to the confidence of Parliament, and whether they are capable of dealing with this great question; and I must say, that the course they have pursued on the subject of the Irish franchise appears to me to disentitle them to the confidence of this House.

Mr. *O'Connell* said, he wished briefly to notice that speech of his to which the right hon. Baronet had alluded. The right hon. Baronet had quoted as if he had made the calculation of what would be the franchise after the Reform Bill, whereas the speech he read related to a calculation of the state of it before the Reform Bill, namely 26,000. On that point he (Mr. O'Connell) could not be mistaken, whatever he might have been before, because he had published that statement in a letter, both in the newspapers and in a pamphlet. The hon. Baronet who had taken an active part in the Emancipation Bill, had done them the justice to say, that they made no bargain, nor any compact, but that was but doing them half justice, because they had expressly called upon the House to reject the Emancipation Act rather than disfranchise the 40*s*. freeholders. Petitions were presented to the House on this subject by sixty-three Gentlemen who came from Ireland expressly for that purpose. They spurned the disfranchisement which accompanied the bill, and petitioned the House rather to reject both than to pass both. So that they not only made no compact, but they protested against this disfranchisement. In 1825, there existed objections to the 40*s.* freeholders. They were then dependent on their landlords, and obliged to vote as they pleased. There were many difficulties connected with them, but he, for one, never consented to the disfranchisement of the 40*s.* freeholders who were seized in fee. In 1825, they threw off their shackles, and evinced their patriotism. They turned the Beresfords out of Waterford, the Fosters out of Louth, and Mr. Vescy Fitzgerald out of Clare. Having given these proofs of their patriotism in 1825, when they were dependent, in 1829, they were disfranchised. This was the history of their disfranchisement, and what did the Reform Act? Did it give them additional franchises, or restore to them that they had lost? Would it have been taken away in England? Would the people of England have suffered it? Very properly, they would not, yet the franchise was taken from Ireland, where it was more needed than ever in England. When the right hon. Baronet told him that population was not the basis of the franchise, he admitted that it was not the sole basis, but the basis was population and property. But how was it estimated in Ireland? Why, by population and the forty shilling freeholders. The noble Lord taunted him and his party with driving Ireland to despair. He told the noble Lord they were not driven to despair. They were too many, too peaceable, too intelligent, and too united for that. What had occurred among them recently? He stated it with satisfaction and with pleasure, because it supplied them with a new remedy. He had stated it before, and he stated it again, that they did not know that country. There were five millions of persons there who never tasted the liquor of intoxication. They had calculated on their passions and their vices, but they could be oppressed through these no longer. How could the noble Lord say, that he did not intend to place the people of Ireland in the hands of the landlord? Why did not the noble Lord avow it? Did not the noble Lord say, that he intended to assimilate them to those in England? Should he be told after that, it was not intended to disfranchise them? The House had done nothing but base injustice to Ireland. The right hon. Gentleman had said, that he (Mr. O'Connell gloated in looking back at the crimes that England had perpetrated against Ireland. It must be admitted that no one country had ever perpetrated so many crimes as England had to Ireland. Why did he mention it? Because that spirit existed still. They had not the same means—they had not the same power; they could not do it now, but they were as willing to do it as ever their ancestors were. The noble Lord had exhibited that spirit to-night. He told the House there was little chance of their getting the bill through that or the other House. Let him proclaim that to eight millions of people. It had been proclaimed, and it would be proclaimed again. He (Mr. O'Connell) remonstrated against their continued injustice, in asserting that whatever might be the population, it was not to be the basis of representation. He did not know what was meant by this paltry distinction between man and man, between Englishmen and Irishmen, but he knew that a 50*l.* franchise was not a franchise, and he knew again that a 40*s.* franchise was an ancient franchise, not depending upon property. To talk about a 40*s.* franchise as a franchise by property, was insulting common sense. He had shown them a population of 366,000 with only 925 voters. They had deprived Ireland of her fair share of representation. On the basis of property and population she ought to have 150 or 170 Members in that House. Ireland felt the indignity that was done her. She had what was called a representation, but it was not. No, let them go on. They would not disappoint him; on the contrary, they would but animate his hopes. He trusted he should yet live to see a Parliament that would do Ireland justice.

Viscount *Howick* said, that after what had fallen from the noble Lord (the Secretary for the colonies), he felt anxious to say a few words in explanation. He was surprised to hear the noble Lord state that the effect of the amendment would be to restrict the franchise in Ireland. He was convinced that it would, as it was his intention it should, have a precisely opposite effect. The noble Viscount (the Secretary for Ireland) concurred with him in the necessity of creating a new franchise, That noble Lord proposed, in order to counteract the indisposition on the part of landlords to grant leases, to bestow it on leaseholders of 8*l.*, while he (Viscount Howick), with the same view, proposed to bestow it on certain tenants, whether they held leases or not. A valuable class of voters would be destroyed by the operation of the bill of the noble Lord while they would be preserved by the amendment which he had proposed. He had only further to state, that his object was not to restrict the franchise.

Sir *R. Peel* said, that he should be exceedingly sorry if the hon. Gentleman imagined that he had misrepresented him. He had described the hon. Gentleman as prophesying the future operation of the Reform Bill. He could not, of course, know what the thoughts of the hon. GenGentleman were, he only spoke from his reported speeches. The hon. Gentleman said,—

> "I will now give the House a few specimens of the number of persons entitled to vote by this measure."

The hon. Gentleman then went through the details, and concluded by observing, that—

> "The same principle ran throughout the whole bill, and the whole measure was as conservative as the hottest Conservative could desire."

He had quoted the testimony of the hon. Gentleman against the Conservatives. He He had also pronounced strictures on the Whigs. He had declared that Ireland had suffered from them, for that it was the Whigs who gave penal laws to Ireland. There existed, said the hon. and learned Gentleman, an empty vulgar prejudice against Ireland. He had thought it right to give the hon. Gentleman's testimony on both sides. What he had said was, that the hon. Gentleman had prophesied that after the passing of the Reform Bill the number of voters would not exceed 30,000, and that it required a stretch of imagination to conceive so great a number. This was the number which was thought adequate to represent 8,000,000 of people.

Lord *J. Russell* said, that in reference to what had fallen from the noble Lord, the Member for Northumberland, he had only to state, that he did not wish to say that the proposal of his noble Friend would restrict the franchise, nor would he say whether the franchise proposed by the amendment was a good one or not.

The committee divided on the question that the words proposed to be left out stand part of the question:—Ayes 270; Noes 291:—Majority 21.

List of the AYES.

Abercromby, hn. G. R.
Acheson, Viscount
Adam, Admiral
Aglionby, H. A.
Alston, R.
Andover, Viscount
Anson, hon. Colonel
Archbold, R.
Armstrong, A.
Baines, E.
Bannerman, A.
Baring, rt. hon. F. T.
Barnard, E. G.
Barry, G. S.
Beamish, F. B.
Bellew, R. M.
Berkeley, hon. H.
Berkeley, hon. G.
Bewes, T.
Blackett, C.
Blake, M. J.
Blake, W. J.
Blake, M.
Blewitt, R. J.
Bodkin, J. J.
Bowes, J.
Brabazon, Lord
Bridgeman, H.
Briscoe, J. I.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Bryan, G.
Buller, C.
Buller, E.
Bulwer, Sir L.
Busfield, W.
Butler, hon. Colonel
Callaghan, D.
Campbell, Sir J.
Campbell, W. F.
Carew, hon. R. S.
Cavendish, hon. C
Cavendish, hn. G. H.
Chalmers, P.
Chetwynd, Major
Chichester, Sir B.
Childers, J. W.
Clay, W.
Clayton, Sir W. R.
Clements, Viscount
Clive, E. B.
Collier, J.
Collins, W.
Colquhoun, Sir J.
Cowper, hon. W. F.
Craig, W. G.
Crawford, W.
Currie, R.
Dalmeny, Lord
Dashwood, G. H.
Dennistoun, J.
D'Eyncourt, rt. hn. C. T.
Divett, E.
Duff, J.
Duke, Sir J.
Duncan, Viscount
Duncombe, T.
Dundas, C. W. D.
Dundas, F.
Dundas, D.
Easthope, J.
Edwards, Sir J.
Elliot, hon. J. E.
Ellice, Captain A.
Ellice, rt. hon. E.
Ellice, E.
Ellis, W.
Erle, W.
Etwall, R.
Evans, Sir D. L.
Evans, G.
Evans, W.
Ewart, W.
Fazakerley, J. N.
Fielden, J.
Fenton, J.
Ferguson, Sir R. A.
Ferguson, Colonel
Fitzalan, Lord
Fitzpatrick, J. W.
Fitzroy, Lord C.
Fitzwilliam, hn. G. W.
Fleetwood, Sir P. H.
Fort, J.
Fortescue, T.
French, F.
Gillon, W. D.
Gisborne, T.
Gordon, R.
Grattan, J.
Greenaway, C.
Greg, R. H.
Greig, D.
Grey, rt. hon. Sir C.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Grote, G.
Guest, Sir J.
Hall, Sir B.
Handley, H.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Hector, C. J.
Heneage, E.
Heron, Sir R.
Hill, Lord A. M. C.
Hindley, C.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Holland, R.
Horsman, E.
Howard, hon. E.G.G.
Howard, F. J.

Howard, P. H.
Howard, Sir R.
Howard, hon. C.W.G.
Humphrey, J.
Hurst, R. H.
Hutchins, E. J.
Hutt, W.
Hutton, R.
James, W.
Jervis, J.
Labouchere, rt. hn. H.
Lambton, H.
Langdale, hon. C.
Leader, J. T.
Lennox, Lord G.
Lister, E. C.
Listowel, Earl of
Loch, J.
Lushington, C.
Lushington, rt. hn. S.
Lynch, A. H.
Macaulay, rt. hn. T.B.
Macnamara, Major
McTaggart, J.
Marshall, W.
Marsland, H.
Martin, J.
Maule, hon. F.
Mildmay, P. St. J.
Morpeth, Viscount
Morris, D.
Morrison, J.
Muntz, G. F.
Murray, A.
Muskett, G. A.
Nagle, Sir R.
Noel. hon. C. G.
Norreys, Sir D. J.
O'Brien, C.
O'Brien, W. S.
O'Callaghan, hon. C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Conor Don
O'Ferrall, R. M.
Ord, W.
Oswald, J.
Paget, Lord A.
Paget, F.
Palmer, C. F.
Palmerston, Viscount
Parker, J.
Parnell, rt. hn. Sir H.
Pattison, J.
Pease, J.
Pechell, Captain
Pendarves, E. W. W.
Philipps, Sir R.
Philips, M.
Philips, G. R.
Philpotts, J.
Pigot, rt. hon. D.
Pinney, W.
Ponsonby, C. F. A. C.
Ponsonby, hon. J.
Power, J.
Price, Sir R.
Protheroe, E.
Pryme, G.
Ramsbottom, J.
Rawdon, Col. J. D.
Redington, T. N.
Rice, E. R.
Rich, H.
Roche, E. B.
Roche, W.
Rumbold, C. E.
Rundle, J.
Russell, Lord J.
Russell, Lord C.
Rutherfurd, rt. hn. A.
Salwey, Colonel
Sanford, E. A.
Scholefield, J.
Scrope, G. P.
Seymour, Lord
Sharpe, G.
Sheil, right hon. R. L.
Slaney, R. A.
Smith, J. A.
Smith, B.
Smith, G. R.
Smith, R. V.
Somers, J. P.
Standish, C.
Stansfield, W. R. C.
Staunton, Sir G. T.
Stewart, J.
Stuart, Lord J.
Stuart, W. V.
Stock, Mr. Serg.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Surrey, Earl of
Talbot, C. R. M.
Talbot, J. H.
Tancred, H. W.
Thornely, T.
Troubridge, Sir E. T.
Turner, E.
Verney, Sir H.
Villiers, hon. C. P.
Vivian, Major C.
Vivian, J. H.
Vivian, rt. hn. Sir H.
Wakley, T.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
Wemyss, Captain
Westenra, hon. H. R.
Westenra, hon. J. C.
White, H.
White, L.
White, S.
Wilbraham, G.
Wilde, Sir T.
Williams, W.
Wilshere, W.
Winnington, Sir T. E.
Winnington, H. J.
Wood, Sir M.
Wood, G. W.
Wood, B.
Worsley, Lord
Wrightson, W. B.
Wyse, T.
Yates, J. A.

TELLERS.
Stanley, E. J.
Tufnell, H.

List of the Noes.

Acland, Sir T. D.
A'Court, Captain
Adare, Viscount
Ainsworth, P.
Alexander, N.
Alford, Viscount
Antrobus, E.
Arbuthnott, hon. H.
Archdall, M.
Ashley, Lord
Ashley, hon. H.
Attwood, W.
Attwood, M.
Bagot, hon. W.
Bailey, J.
Bailey, J. jun.
Baillie, Col.
Baillie, H. J.
Baker, E.
Baldwin, C. B.
Baring, hon. F.
Baring, H. B.
Baring, hon. W. B.
Barneby, J.
Barrington, Viscount
Basset, J.
Bateson, Sir R.
Bell, M.
Bentinck, Lord G.
Bethell, R.
Blackburne, I.
Blackstone, W. S.
Blakemore, R.
Blennerhassett, A.
Boldero, H. G.
Bolling, W.
Botfield, B.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Brooke, Sir A. B.
Brownrigg, S.
Bruce, Lord E.
Bruen, Colonel
Buck, L. W.
Buller, Sir J. Y.
Burrell, Sir C.
Burroughes, H. N.
Calcraft, J. H.
Campbell, Sir H.
Canning, rt. hn. Sir S.
Cantilupe, Viscount
Castlereagh, Viscount
Chapman, A.
Cholmondeley, hn. H.
Christopher, R. A.
Chute, W. L. W.
Clements, H. J.
Clerk, Sir G.
Clive, hon. R. H.
Cochrane, Sir T. J.
Codrington, C. W.
Cole, hon. A. H.
Compton, H. C.
Conolly, E.
Cooper, E. J.
Coote, Sir C. H.
Copeland, Alderman
Courtenay, P.
Creswell, C.
Crewe, Sir G.
Cripps, J.
Dalrymple, Sir A.
Damer, hon. D.
Darby, G.
Darlington, Earl of
De Horsey, S. H.
Dick, Q.
D'Israeli, B.
Dottin, A. R.
Douglas, Sir C. E.
Douro, Marquess of
Dowdeswell, W.
Duffield, T.
Dugdale, W. S.
Dunbar, G.
Duncombe, hon. W.
Duncombe, hon. A.
Dundas, hon. T. C.
Du Pre, G.
East, J. B.
Eastnor, Viscount
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Egerton, Lord F.
Eliot, Lord
Ellis, J.
Estcourt, T.
Farnham, E. B.
Farrand, R.
Fielden, W.
Fector, J. M.
Fellowes, E.
Filmer, Sir E.
Fitzroy, hon. H.
Fleming, J.
Foley, E. T.
Follett, Sir W.
Fox, S. L.
Fremantle, Sir T.
Freshfield, J. W.
Gaskell, J. Milnes
Gladstone, J. N.
Gladstone, W. E.

Glynn, Sir S. R.
Godson, R.
Gordon, hon. Captain
Gore, O. J. R.
Gore, O. W.
Goring, H. D.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Grant, Sir A. C.
Greene, T.
Grimston, Viscount
Hale, R. B.
Halford, H.
Hamilton, C. J. B.
Hamilton, Lord C.
Harcourt, G. G.
Harcourt, G. S.
Hardinge, rt. hn. Sir H.
Hawkes, T.
Hayes, Sir E.
Heathcote, Sir W.
Heneage, G. W.
Henniker, Lord
Hepburn, Sir T. B.
Herbert, hon. S.
Herries, rt. hn. J. C.
Hill, Sir R.
Hillsborough, Earl of
Hinde, J. H.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, hon. W. A.
Holmes, W.
Hope, hon. C.
Hope, H. T.
Hope, G. W.
Hotham, Lord
Houldsworth, T.
Houstoun, G.
Hughes, W. B.
Hurt, F.
Ingestre, Viscount
Ingham, R.
Inglis, Sir R. H.
Irton, S.
Irving, J.
Jackson, Mr. Sergeant
James, Sir W. C.
Jenkins, Sir R.
Jermyn, Earl
Johnstone, H.
Jones, Captain
Kemble, H.
Kerrison, Sir E.
Kelburne, Viscount
Knatchbull, rt. hon. Sir E.
Knight, H. G.
Knightley, Sir C.
Lascelles, hon. W. S.
Law, hon. C. E.
Lemon, Sir C.
Lennox, Lord A.
Lincoln, Earl of
Litton, E.
Lockhart, A. M.
Long, W.
Lowther, hon. Col.
Lowther, Viscount
Lucas, E.
Lygon, hon. General
Mackinnon, W. A.
Maclean, D.
Mahon, Viscount
Marsland, T.
Marton, G.
Master, T. W. C.
Mathew, G. B.
Maunsell, T. P.
Meynell, Captain
Miles, P. W. S.
Miller, W. H.
Milnes, R. M.
Monypenny, T. G.
Mordaunt, Sir J.
Morgan, O.
Neeld, J.
Neeld, J.
Nicholl, J.
Norreys, Lord
Northland, Lord
Ossulston, Lord
Owen, Sir J.
Packe, C. W.
Pakington, J. S.
Palmer, R.
Palmer, G.
Parker, M.
Parker, R. T.
Parker, T. A. W.
Patten, J. W.
Peel, rt. hn. Sir R.
Peel, J.
Pemberton, T.
Perceval, Colonel
Pigot, R.
Planta, rt. hn. J.
Plumptre, J. P.
Polhill, F.
Pollen, Sir J. W.
Pollock, Sir F.
Powell, Colonel
Powerscourt, Viscount
Praed, W. T.
Price, R.
Pringle, A.
Pusey, P.
Reid, Sir J. R.
Richards, R.
Rickford, W.
Rolleston, L.
Rose, rt. hon. Sir G.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Rushout, G.
Sanderson, R.
Sandon, Viscount
Scarlett, hon. J. Y.
Sheppard, T.
Shirley, E. J.
Sibthorp, Colonel
Sinclair, Sir G.
Smith, A.
Smyth, Sir G. H.
Smythe, hon. G.
Somerset, Lord G.
Sotheron, T. E.
Stanley, E.
Stanley, Lord
Stewart, J.
Sturt, H. C.
Sugden, rt. hn. Sir E.
Teignmouth, Lord
Tennent, J. E.
Thesiger, F.
Thomas, Col. H.
Thompson, Mr. Ald.
Thornhill, G.
Tollemanche, F. J.
Tomline, G.
Trench, Sir F.
Trevor, hon. G. R.
Trotter, J.
Tyrell, Sir J. T.
Vere, Sir C. B.
Verner, Colonel
Villiers, Viscount
Vivian, J. E.
Waddington, H. S.
Walsh, Sir J.
Welby, G. E.
Whitmore, T. C.
Wilbraham, hon. B.
Williams, R.
Williams, T. P.
Wilmot, Sir J. E.
Wodehouse, E.
Wood, Colonel
Wood, Colonel T.
Wyndham, W.
Wynn, rt. hn. C. W.
Yorke, hon. E. T.
Young, J.
Young, Sir W.

TELLERS.
Howick, Viscount
Wood, C.

Viscount *Howick* said, that in consequence of what had taken place he was anxious to make it perfectly clear that the amendment he had brought forward, and which had been this night discussed, was intended to be an addition to another franchise, and not a substitution. He should, therefore, reverse the order in which he had proposed to move his two amendments, and not move that for the definition of the beneficial interest till he had submitted that relating to occupancy.

Lord *J. Russell* moved, that the chairman report progress, and ask leave to sit again.

Colonel *Sibthorp* spoke of the political cowardice displayed by Ministers. He was glad to find by the result of the division this night, and by the honest, fair, undisguised muster of the Conservatives, that her Majesty's Government was no longer to be allowed to play the tricks with which it had for some time indulged the country. He asked why the noble Lord did not display a little of that moral courage he ought to possess, and not wince like a galled jade because his withers were a little wrung.

Mr. *O'Connell* gave notice, that in the next stage of the bill, he would propose a clause for the restoration of the 40*s*. franchise in Ireland.

Sir *R. Peel* observed, that under the circumstances of the late division, it could not be expected that the noble Lord would be prepared to make any declaration as to the course he should pursue;

but he thought that he was bound to state some reason why the chairman should report progress and ask leave to sit again. Did the noble Lord intend to go into committee again to-morrow.

Lord *J. Russell* said, that he considered the introduction of the words of the amendment an important change in the bill, but he was not now prepared to say to what extent it affected it. He therefore proposed to postpone the farther proceeding until Monday. He had no objection to take Wednesday next, if other Gentlemen wished it.

Lord *Stanley* remarked, that his bill stood for Wednesday, but in the situation in which Ministers at present stood, he did not think it right to offer any opposition to their taking that day for their bill. The amendment just carried must make a material difference, and it was only fair to the noble Lord and his colleagues to allow them to-morrow to consider what course they would adopt. If, therefore, the noble Lord wished to re-commit his bill on Wednesday, he was quite ready to fix his own bill for some future day.

The question was then put and carried, that the Chairman report progress.

The House resumed, report brought up, Committee to sit again on Wednesday.

Lord Stanley postponed his bill to Wednesday week.

House adjourned.

* * *

HOUSE OF LORDS,

Tuesday, April 27, 1841.

Minutes.] Petitions presented. By the Marquess of Salisbury, from Merchants and Traders in Surrey, for the Abolition of the Tolls on the Metropolitan Bridges.

The Earl of Rosse — Catholic Priests.] The Marquess of *Westmeath* said, that seeing the noble Marquess, the Secretary for the Home Department in his place, he wished to ask him a question. He had read in the usual channels of information a letter, purporting to be written by the noble Marquess to the noble Earl the Lord Lieutenant of the King's County in Ireland. Though that letter was not before their Lordships, it would really be affectation on his part to presume that it was not a genuine letter. But there were one or two expressions in it which he would not presume to be genuine until he heard them confirmed by the noble Marquess himself. The principal expression to which he alluded was treating a Roman Catholic priest, who was a party to the transaction to which the correspondence related, as a "Catholic rector." Now, the use of designations towards Catholic priests similar to those in the Established Church had been prohibited by the Catholic Relief Bill. He, therefore, was perfectly astonished, that the Protestant Minister of a really Protestant Sovereign should make use of such an expression in a letter written to a public officer. The question which he wished to ask the noble Marquess was, whether he had made use of the expression to which he had referred?

The Marquess of *Normanby* replied, that he had received a long letter from the Earl of Rosse, to which he had returned an answer. As for any expressions in them, as far as his own recollection served him, he thought he had used the term 'Catholic priest' when he referred to the gentleman in question; if, however, he had used the expression Catholic rector, it was an oversight of the moment, for if he had reflected, he should not have used it.

Mr. Biddulph.] The Marquess of *Normanby* wished to avail himself of that opportunity to call the attention of the House to a statement made by a noble Earl a few nights ago, respecting the trial of certain persons for an attempt to assassinate Mr. Biddulph. There were one or two expressions referred to by the noble Earl, in reference to a letter which the noble Earl had read to the House from Mr. Biddulph, asserting, that Mr. Biddulph had not been consulted as to the panel of the jury, notwithstanding he had stated, on the authority of the Solicitor-general for Ireland, that Mr. Biddulph had approved of the jury list, and had not denied, that any persons should be challenged. The next day he had written to the Under-secretary for Ireland, to apply to the Solicitor-general, and the other counsel engaged in the prosecution, and to request them instantly to inform him as to the circumstances of the case, and more especially to call their attention to the letter of Mr. Biddulph. He had received answers to his letters from all the counsel, but one, engaged in this prosecution, and that one was absent from Dublin. He felt bound to read all these letters to their Lordships, in answer to the statement made in the letter of Mr. Biddulph. All these gentlemen coincided as to their conviction, that at the time of the trial, Mr. Biddulph was perfectly satisfied with the constitution of the jury; and one of these letters stated, that that gentleman had declared, that he would rather not have two of the persons on the jury whom he saw in court, and when he was asked the reason, he said, that they were strong politicians, but he had no doubt that they would find a verdict of guilty, if the evidence was clear. The noble Earl then proceeded to read the following letters. The first was from the Solicitor-general:—

" 25th April, 1841.

" My Lord—I take the liberty of troubling your Lordship with a few lines on the subject of the late trial at Tullamore.

" I saw last night in the Report of the proceedings of the House of Lords, a statement, by the Earl of Charleville, of the contents of a letter, received by his Lordship from Mr. Biddulph. The precise language of that letter was not mentioned in the Report I saw, but it substantially was a denial of the correctness of my representations to your Lordship. If the matter rested between Mr. Biddulph and myself, I should, in consequence of that denial, feel bound to admit, that I had misunderstood what he had stated, though my own recollections on the subject are as positive as they could be. It is possible that one person may have fallen into a misconception, but it is not easy to suppose that many can have done so. When I had the honour of writing to your Lordship on a former occasion, I stated not only the result of my own recollection of what had occurred, but also the result of what the other counsel recollected on the subject.

" On that occasion I stated, that Mr. Clarke and Mr. Corballis were the only counsel in town. I take the liberty of enclosing to your Lordship, letters from each of those gentlemen.

" Mr. Berwick the other counsel for the Crown, on the trial, was not in town when I last wrote, but I have this morning requested him to state to me his recollections on the subject, and I take the liberty of enclosing his letter also.

" Mr. Berwick was the only Queen's counsel who was on the circuit at that time; he and Mr. Clarke are the personal friends of Mr. Biddulph, and what Mr. Berwick states did not occur in my hearing.

" I take the liberty of enclosing letters from Mr. Geale, and Mr. Seed, his principal assistant, as to their recollection of what occurred.

" On referring to the letter, which I took the liberty of addressing to his Excellency the Lord Lieutenant, and comparing the statements in it with those contained in the document I send, I trust your Lordship will be of opinion, that if I have misconceived the statements of Mr. Biddulph, five other gentlemen are guilty of a similar misconception.

" I have only to beg of your Lordship to do me the kindness of reading to the House of Lords my former letter, and those of the gentlemen herewith sent, and also to state, that I very respectfully court the fullest inquiry as to the conduct of the trial at Tullamore, and of my report of the facts that occurred there.

" I have the honour to be &c.

" Richard Moore."

" The Marquess of Normanby."

24th April, 1841.

" Dear Solicitor-General,—In answer to your inquiry as to my recollection of the circumstances which occurred at Tullamore with relation to and at the time of striking the jury to try the prisoners in the case of Mr. Biddulph's prosecution, the following is as nearly as possible what my recollection serves me in stating to have taken place.

" Having, as you may recollect, on the day preceding the trial, arranged to indict the prisoners on the capital charge, and being most anxious, in consequence of the right of challenge to which the prisoners were entitled, that there should be as full an attendance as possible of jurors, so that there should be no possible objection to the formation of the jury, and Mr. Biddulph having, in communication with him, stated, that if there were a good attendance of the jurors on the grand panel, there would be an abundant number of excellent jurors, we took the precaution on the day before the trial, by application to the Chief Justice in open court, to have public notice given to and through the sub-sheriff, that the grand panel would be called over on the next morning on heavy fines, and that no fine once imposed should be taken off without very sufficient excuse shown to the court. The sub-sheriff was also, at your request, in open court, directed to circulate as widely as he could within the course of that day such intimation of the judge to any of the jurors who did not then appear to be in attendance.

" The following day, before the panel was called over, I requested of Mr. Biddulph to attend in court to assist with his local knowledge, to communicate his opinion as to the general attendance of jurors, and also any objection which might be fairly made to any individual juror. I also took care to see, that the gentlemen who belonged to the Crown-office were in attendance. Mr. Biddulph was, I think, beside me during the whole time the grand panel was calling over, and heard the names who answered. When the calling of the panel was completed, I begged of him to tell me what he thought of the attendance, informing him that the prisoners had a right to challenge forty peremptorily, and stating, that if from the attendance of jurors he apprehended, that objectionable jurors would be placed on the jury, the Crown had the power of putting but one on trial, which would reduce the number of challenges for the prisoner to twenty. He told me there was a most abundant and respectable attendance, and that sixty at least might be struck off, and there would still remain an excellent jury. I recollect then saying to him, to bear in mind that his opinion was to be formed upon the number of names of those who had answered, and not from the names that had been called merely; and I asked him what he thought of those who had so answered and appeared. He said, that we need not be in the least afraid of putting both prisoners on trial, for that if sixty of those who first answered were struck off, there would be still sufficient to form an excellent jury. The sheriff then signed the panel. The attendances were upwards of 120. The clerk of the Crown then proceeded to call the jury. I then begged of Mr. Biddulph, and I think also of Mr. Brown, the stipendiary magistrate, to suggest to the Crown solicitor, as each juror was called to be sworn, any objection which they knew to such juror. Mr. Biddulph, as far as I can recollect, went and took his place under Mr. Geale, and after the jury were sworn, he returned to his place beside me, and stated, that he considered the jury to be a very fair jury; that there were but two who he would rather were not there. I asked him what his objection was to them, and he stated to me, as I best recollect, that they were strong politicians; but he added, that if there was a good case laid before them in evidence, he had no doubt they would find an honest verdict. With this I felt fully satisfied, and certainly for the first two days of the trial I heard no objection made to any of the jury.

I remain, &c.,

"Walter Berwick."

"The Solicitor-general."

"My dear Solicitor-general—With the utmost surprise I observe by the report of the proceedings in the House of Lords, that Mr. Biddulph has written a letter to Lord Charleville denying that he ever approved of the jury sworn in his case. It has always been painful to me to differ in opinion with a gentleman on a matter of fact, but I owe it to what I believe to be the truth, to say, that my recollection is very different. Mr. Biddulph remained close to Mr. Clarke; while the panel was called over he was at some distance from me; when the jury was on the point of being sworn he was invited to come over to where the Crown solicitor stood, in order to assist from his local knowledge in objecting to any improper person being put on the jury. After five or six jurors had been sworn, a juror whose name I do not know, being called to the book, Mr. Biddulph said to me I do not like that man. I replied that except he assigned a reason, his merely not liking him was not a sufficient objection, and he made no further objection to him. I communicated to you what Mr. Biddulph had said, and you having agreed with me the juror was sworn. Though I was close to Mr. Biddulph till the jury was sworn, he made no further objection, but, in answer to a question put to him by you, expressed himself satisfied that the jury would do their duty, and during the three days of trial, to my knowledge, he never expressed a contrary opinion. This is my recollection of the facts of this case."

"I remain,

(Signed) "J. R. Corballis."

"April 25, 1841.

"My dear Solicitor-general — Having a perfect recollection of what took place at the time of the swearing of the jury in Mr. Biddulph's case (who sat next to me when the panel was calling over), I can safely say, that when it was ended he expressed his satisfaction not only with the number that attended, but the persons composing it, and in my presence and yours, declared that from sixty to eighty might be taken off it, and a good jury still remain to try the case; and this he said in reply to a question of yours, to ascertain whether you could with prudence put both the prisoners on their trial, so as to give them the privilege of forty challenges; he left where he was then sitting by me, to be near the Crown solicitor whilst the jury was swearing, and though the distance was but short, I did not hear him make any objection to any of them; after they were sworn he returned to his seat, when I asked him (as was natural), what he thought of the jury, when he assured me there could not be a better, and that he was convinced they would do their duty; in the course of the trial, which you know lasted such a length of time, I had frequent interviews with Mr. Biddulph, and he never expressed the slightest dissatisfaction with the jury; and from the very close intimacy and friendship which has always subsisted between him and me, I think had he entertained any doubt as to their propriety he would have mentioned it to me. I have only to add, that shortly after my return from circuit, I left town for a few days, and during my absence Mr. Biddulph came from the country, and dined with my family, and said he told me at Tullamore he approved of the jury after they were sworn, and considered they would act honestly.

"I am, &c.,

(Signed) "W. D. Clarke."

"April 25, 1841.

"Dear Sir—With reference to Mr. Geale's letter to you of the 20th ult., relative to the circumstances under which the jury was selected to try the persons charged with shooting Mr. Biddulph, and to Lord Charleville's statement with respect to a letter which he had received from that gentleman, in which he stated that he had not approved of the 'panel,'—I beg to state, in compliance with your desire, that I should communicate my recollection of the facts, that I perfectly remember asking Mr. Biddulph, after the jury had been sworn, if he was satisfied with them, and he replied, 'that he was perfectly so,' adding 'that he thought it a very fair jury.' In this I cannot be mistaken, as Mr. Biddulph not only stated the same thing in my hearing to Mr. Edward Geale and other persons who were present; but I believe to yourself likewise, and also to Mr. Geale, who has already mentioned the circumstance in the letter before alluded to. I likewise perfectly well remember Mr. Biddulph having stated, when 116 or 127 jurors had answered their names from the panel, that there was quite sufficient to give the prisoners challenges to the amount of 60 or 80, and have a good jury afterwards.

"I have, &c.,

"S. Seed.

"The Solicitor-General, &c., &c., &c."

"April 25, 1841.

"Dear Sir—I have already given you a statement of the circumstances under which the jury in Mr. Biddulph's case were selected, which I can only repeat, and in addition to that now given by Mr. Seed, have to state that my son Edward, who is at present at Athlone, is aware of the same facts, and will fully corroborate Mr. Seed's statement.

"I will get him to write to you when he arrives in town.

"I am, &c.

(Signed) "Piers Geale.

"The Solicitor-General, &c., &c., &c."

In this case, the noble Marquess proceeded to say, that the matter did not rest on the balance of evidence, but was at once proved by the fact that Mr. Smith, the clerk of the Crown, told Mr. Biddulph that if he objected to the panel of the jury, he would, on the part of the Crown, put the prisoners on their trials separately, so as to diminish the challenges one-half. He could not sit down without reminding their Lordships that all the inconvenience had arisen from the circumstance of the noble Earl having brought forward a motion on a subject which was still before a court of justice. This had led to the greatest embarrassment, and, if such a course was persisted in, must be productive of much evil.

The Earl of *Charleville* said, that if the noble Marquess had thought it consistent with his duty to have given him information of his intention to bring the subject forward to-night, he should have been better prepared than he was at that moment to address their Lordships. But the noble Marquess had thought proper to impugn his motives, and therefore he trusted to the sense of the justice of the House to have an opportunity allowed him of answering the noble Marquess. It would be in their recollection that he stated when he brought forward his motion that in this country, in cases of murder or violent assault, the next of kin (in cases where death had ensued) was allowed to employ his own solicitor and counsel, but this was not the practice in Ireland. All that he asked was, that in Ireland the next of kin should be allowed to prosecute. He did not bring his motion forward on the single case of Mr. Biddulph—he brought it forward on the general principle, and for that general principle he relied on the evidence given by the witnesses before the committee on the state of crime in Ireland, including the Lord Chief Justice of the Queen's Bench and all the Crown solicitors. He alluded to four cases—to the case of Mr. Biddulph, to the case of Mr. Powell, in Armagh, to the case of Samuel Gray, in Monaghan, and to the case of a man named Macleod, in Londonderry. He never expressed any opinion of his own as to the conduct of the jury in the course which they had thought proper to pursue. What he said was, that he objected to them previous to their being sworn as jurors. He stated, that three Ribbonmen, one a county delegate, one a county committee man, and another a parish master, had been introduced on the jury in the case of Mr. Biddulph. The noble Marquess had not ventured to deny that statement, and he was sure the noble Marquess would have done so before this had it been in his power. He was not answerable for any discrepancy between the statement of the Solicitor-general and any other person, In justice, however, to Mr. Biddulph, he trusted he might be permitted to read again that Gentleman's letter. Mr. Biddulph stated—

"That he had read with much attention the statement of the noble Earl, and the answer of the Marquis of Normanby, and the latter was by no means correct, let it emanate from what quarter it might. He had objected to a person on the jury, but he was told that the ground of his objection was not substantial, because he only acted on rumour. He had never expressed any opinion that the jury was a fair and impartial one, for he felt that they would never agree; but he said, that a better jury could not be formed out of the persons who remained, those whom he considered fair and impartial being exhausted—thus leaving him without an alternative."

Having read this letter he trusted that the House would acquit him of having made any statement without authority. He had yesterday received from Ireland the account of a murder committed in the day time, almost within sight of the excellent and venerable ex-Judge Moore. He had also received a letter from the county of Limerick which would show their Lordships the peaceful state of that county. The letter stated, that a murder had just been committed, that there had been within a few days two attacks upon the police, whose lives were endangered by the violence of the mob who assailed them, and that, in fact, life and property were not safe for a single night. He had also received a letter from the Lord-lieutenant of Ireland, which his Lordship desired that he should read to the House. The letter was as follows;—

"My Lord,—In your Lordship's speech on your motion just before the recess respecting crime in Ireland, you were represented to have said that you considered the correspondence between yourself and me to be of a private nature, and that some of the letters were marked as such. I felt, at the time, that this statement was quite at variance with my own impression of the fact, but not having the letters by me in England, where I then was, I did not feel warranted in opposing my recollection to the more accurate sources of information which I believed were in your Lordship's reach. Having, immediately on my return here, referred to your Lordship's original letters to me, as well as to the copies of my answers, I do not find any of them marked 'private,' and in the absence of any such mark I do not consider that there was anything in the general nature of the correspondence to debar your Lordship or myself from treating the letters as documents of an official character. Had I thought otherwise, no advantage which I could have gained to the Government or to myself would have tempted me to sanction a public reference to them without a previous application to your Lordship for your Lordship's leave to do so; and I trust your Lordship will do me the justice to read this letter to the House of Lords, in order to correct the erroneous impression which the expression attributed to you has been calculated to produce respecting my conduct in this case."

His own impression was, that the first letter he received from Lord Ebrington was marked in the corner of the envelope "private." He had another reason for thinking this letter private, for in certain papers for which he had moved, and which had been granted by their Lordships, this one had been referred to by the noble Marquess as of a private character. He regretted that these letters had been ma e public, for in one of them which he had intended for the private perusal of the Lord-lieutenant, he had used the expression of those "evidently guilty men." The noble Marquess had, on the occasion of a late debate, stated to their Lordships, that he (the Earl of Charleville) "had insulted his Roman Catholic fellow-countrymen," but in writing to Lord Rosse, he had referred "to the great tribute which Lord Charleville had paid to the address of the Roman Catholic clergymen to the people." So the noble Marquess was his foe to his face and his friend behind his back. Having been held forth as the calumniator of the Roman Catholic people, he had felt bound to make these remarks.

The Earl of *Wicklow* wished to bring the House back to the sole question before it, which was the exculpation of the noble Marquess for the statements he had formerly made. After the letters which had been read, he felt bound to say, that the noble Marquess was fully justified in making those statements with respect to the case of Mr. Biddulph on the information he had received, and was now fully justified in entertaining the same opinion of them as that which he had formerly expressed.

The Marquess of *Normanby* must beg to defend himself from the charge of a want of courtesy, for he had that morning written to the noble Earl giving him notice of his intention to make the statement. He would not follow the noble Earl through the various topics introduced by him in his speech, but he must say, that noble Earl appeared to be well prepared with every document necessary for a long address. He would only now remark that he could not acquiesce in the statement that there were three Ribbonmen on the jury in Mr. Biddulph's case. The noble Lord had complained of the publication of the letter to the Earl of Rosse, but it was moved for and ordered to be produced on a motion made at the request of the noble Earl himself. So he trusted, that the Earl of Rosse, would know on whose shoulders the blame, if any, ought properly to lie. He regretted that the noble Earl had adopted the very inconvenient course of raising exciting topics of discussion and debate on every opportunity which afforded itself, however unsuited or ill timed, The Earl of *Charleville* would only say one word in answer to the remarks of the noble Marquess. He had stated, that he had given him notice of his intention to bring forward this subject, but, in reality, the note which the noble Marquess had sent to his house that morning contained no such information. It merely stated, that he intended to communicate something to the House, and gave him no idea of the subject respecting which the statement was to be made. [The Marquess of *Normanby* : You had better read the note.] Very well. The note was as follows:—

> "Lord Normanby presents his compliments to Lord Charleville, and begs to inform him that it is his intention, at the sitting of the House this evening, to make a communication, at which Lord Charleville may like to be present."

Now, from that note what idea could he possibly form of the subject on which the noble Marquess intended to address their Lordships? Might he not naturally think that that communication referred to some proceedings which occurred last evening in another place.

The Marquess of *Westmeath* would not allow the present opportunity to pass by without expressing his entire approbation of the course pursued by his noble Friend, with respect to the matter which he had originally brought before their notice, and his strong condemnation of the inconsistent erroneous, and uncertain conduct of the noble Marquess, who on every occasion concealed his ignorance and want of information by an affected air of conscious rectitude and triumph.

Subject at an end.

WEST-INDIA MAILS.] The Earl of *Falmouth* rose, according to notice, to present petitions from the boroughs and populous places of Cornwall, on the subject of the removal of the West-India packet stations from Falmouth to Dartmouth. In so doing, their Lordships would forgive him if he briefly referred to the history of this business. The importance of having the best station for the delivery and reception of the West-India mails, had attracted the attention of the Lords of the Admiralty to the subject, and they had appointed a Committee to consider the comparative advantages of the different ports for the objects which they had in view. This committee made a report, in which it was recommended to the Lords of the Admiralty that Falmouth should no longer be continued the station for the West-India mails, and that Dartmouth should be used in its stead. In consequence of this report of the committee a meeting was held in the county of Cornwall, and a more populous or more respectable meeting was never assembled. The gentlemen then present, though landsmen, for the most part, were, from the frequent discussions on the subject, well acquainted with the question. They well knew, from practical experience, that Falmouth was by far the most convenient port for the West-India packets. In 1810 they had been for a time removed to Plymouth, but they shortly afterwards were brought back again, in consequence of the superiority of Falmouth; and in 1822, when a similar excitement prevailed, he had communicated with the noble Viscount (Melville) then at the head of the Admiralty, and he distinctly told him that there was no intention to remove the packets from Falmouth, and for this reason, that all nautical men knew the superior elegibility of that port. The introduction of railways did not alter the question, because there was no railway to Dartmouth more than there was to Falmouth. If it had been intended to remove the packets to Southampton, neither he, nor as he had reason to believe, the present petitioners would have objected to the experiment being tried, but no advantage of that kind could be claimed for Dartmouth. With regard to the report by which this change had been recommended, the committee from which it proceeded was composed of three gentlemen, as to whose competency he had nothing to object, although he might think, perhaps, that more than one naval man, whatever might be his knowledge and experience, ought to have been called in; but their report must stand on its own merits, and, if not good in itself, the names who recommended it availed nothing. The qualifications, or requirements as they were called, which this report stated to be necessary for a station for the packets, were known by all nautical men to be possessed by Falmouth in an extraordinary degree. It was not a naval port—a point deemed of much importance by the committee—and in every respect it had those requisites which they thought desirable. Well, having stated what qualifications were necessary, the committee without having added, that Falmouth possessed them not, came to this logical conclusion, "For these reasons we recommend Dartmouth." They had been appointed to consider the *comparative* advantages of the different ports, and yet they distinctly stated, that they would express no opinion as to the comparative advantages of the various ports. Thus, in fact, declining to do that which was one of the chief objects of their employment. But they had pointed out the superiority of Dartmouth to Falmouth on the ground of saving two hours in the time at which letters would reach London; and would their Lordships believe it! in order to make out this saving they had actually overstated, to the amount of sixteen miles, the distance from Falmouth to Exeter, which, according to the ordinary mail time, would take one hour and a half in travelling. Thus, according to their own showing, there would be but little gain even on this individual point, and that, too, in a long and varying passage both by sea and land. Was it, then, to be wondered at, that the whole county had with one voice cried out against such a report? This had been the case without distinction of sect or party, and they had forced its re-consideration upon the Government. But how was it re-considered? Why, by being sent back to the gentlemen from whom it had emanated, and they had only repeated their declaration that Dartmouth was the best port. They had then shifted their ground altogether, and had said that they had other reasons besides the alleged saving of time. It might be so. But what were they? That was all he—that was all the petitioners—wished to know. Why was a port which had been the packet station for a century and a half to be changed without any reasons being assigned? Why was a county which threw up a million and a half annually in mineral wealth, with a population of 300,000, to be so treated? For his own share in the business, he was influenced by no undue motives. He had not an acre of ground within many miles of Falmouth. The county had been aggrieved, but he urged this question on the consideration of Government and their Lordships not as a county matter. It was a matter deeply affecting the commercial interests of the country at large. The noble Earl then presented petitions from Truro, Falmouth, Bodmin, Penryn, St. Ives, and other places in the county of Cornwall, praying that some sufficient grounds should be assigned previously to the removal of the West-India packet station from Falmouth to Dartmouth.

Viscount *Melbourne:* Though this subject only comes before the House on the presentation of some petitions, I will take the opportunity of briefly stating the grounds on which we have determined to act according to the recommendations of the report furnished to us on the comparative advantages of the different ports. I fully believe, that the subject has excited the deepest interest in the county of Cornwall, and I also fully believe, though the noble Earl who has brought it forward has shared in that interest, that he has been influenced by feelings of no personal nature, and that he has looked upon the question as nothing more than merely a county question, I can assure the noble Earl that we have no desire to injure the county of Cornwall, and I cannot think that the contemplated change could produce a serious injury to that county. That change does not involve the removal of the packets from Falmouth as the port of departure. With that we have nothing to do. The company who have contracted to carry our letters have expressed their determination to depart from Southampton. That is no concern of ours. All that we have decided is the port at which the mails should be put on board. Now, if we consent to the prayer of the petitioners and to the wish of the noble Earl, and go again into the question of the comparative eligibility of each port, it does not necessarily follow that our decision would then be in favour of Falmouth. There are other places to compete with it. There is Southampton, possessing, as it certainly does, many advantages, and the noble Earl says, that he himself, would not be inclined to oppose the selection of that port. The Lords of the Admiralty, when this question came before them, appointed three gentlemen, perfectly competent from nautical skill and practical experience to form an opinion, to fix upon that port which appeared to them to possess in most respects the various requisites for the object in view. Well, how does the matter now stand? These gentlemen deeply and deliberately consider the subject, and after such consideration they give their decision. The noble Earl finds fault with their report because they have not gone through the various ports, and stated the comparative advantages and disadvantages of each, but they declare distinctly that in every respect Dartmouth is the best. What more could fairly be expected of them? Having taken the opinion of those gentlemen, universally admitted to be well qualified to arrive at a sound and correct conclusion, would it be right if we determine not to follow the advice which they have given us? The noble Earl and the petitioners, whose case he has so zealously advocated, only ask for inquiry, but the company which has undertaken the contract is desirous of making its arrangements as speedily as possible, and ought not now to be exposed to interruption and disturbance by fresh inquiry and renewed investigation. I believe, myself, that Dartmouth is the best port for the purpose, but, if it be not, the small benefit gained by another decision in this point of view would be, in my opinion, more than compensated for by the evil and inconvenience to which any further change must necessarily give rise.

The Earl of *Minto*, not having a local knowledge of the various ports, and consequently not being fully acquainted with the comparative advantages and disadvantages of each of them, could not express any direct opinion on the subject under debate, but he was at the same time desirous that the question should be rightly understood, and should stand on its fair footing. The question, then, was, not as to the port from which the packets should depart, but at which the mails should be put on board of such packets. This had nothing to do with the question of retaining Falmouth as a Government packet station. No matter where the company might fix their place of departure, the Government packets would continue to sail from Falmouth, or whatever other port the Admiralty might think best suited for that purpose.

Lord *Ashburton* said, that the course of the Government in having, after submitting this question to gentlemen competent to decide it, determined to adhere to their decision, was perfectly fair. Still he would venture to say, that there was not a person connected with that line of communication who was not surprised at the decision which had been pronounced, although by competent persons doubtless. However, he could not concur with his noble Friend in thinking that Falmouth was a very desirable port, or that it was very accessible for communication; nor did he think Dartmouth was more desirable. It was to be observed, that the company still persisted in taking Southampton as the port of departure; and certainly there were recommendations about that port, such as its nearness—being accessible in three hours from London—which in time of war could not be compensated by any advantage that could accrue from going to the far end of Cornwall. Though he thought their Lordships could not interfere with the steps taken by Government in this case, and though their adoption of the decision of their commissioners was, in his opinion, perfectly fair, yet he could not but concur with his noble Friend, that the decision itself was rather singular.

Viscount *Melville* said, he was as much surprised as his noble Friend to hear that Dartmouth had been selected, though the Government were perfectly right in following the decision of the gentlemen who had been referred to.

The Earl of *Falmouth* said, in reply, that if Dartmouth was merely to be a place of call, Falmouth would answer much better even for that purpose; and he had reason to believe, that it would be preferred by the contractors. He believed that in fact the company had objected to allow these vessels to call at Dartmouth. The noble Earl concluded by moving for a copy of the report of the commission appointed to inquire as to the port best fitted to be a port of departure for the West-India mail-packets; and also for copies of the correspondence which had taken place on the subject between the said commission and the parties interested.

Petitions to lie on the Table.

Motion agreed to.

DRAINAGE BILL.] The Marquess of *Normanby* stated, that he had been requested by several noble Lords to put off to a future evening the Borough Improvements and Drainage of Towns Bills, which stood fixed for that evening, in order that some further time might be given for the consideration of the clauses which had reference to Scotland. He should therefore move that the further consideration of these bills be postponed till Friday.

Bills postponed.—Adjourned.

HOUSE OF COMMONS,

Tuesday, April 27, 1841.

MINUTES.] Bills. Read a second time:—Sewers.—Read a third time:—Banking Copartnerships.

Petitions presented. By Colonel Conolly, and Mr. Sergeant Jackson, from Donegal, and Limerick, for Lord Stanley's Irish Registration Bill.—By Mr. Tancred, Mr. Easthope, Mr. A. Yates, Mr. Muntz, and several others, from Leicestershire, Nottingham, Essex, Birmingham, and various other places, against Church Rates.—By Mr. O'Connor, from Roscommon, for the Parliamentary Voters (Ireland) Bill, and against the Parliamentary Registration (Ireland) Bill.—By Lord Eliot, from Falmouth, against the Removal of the Packet Station.—By Mr. T. Duncombe, from Mr. H. Vincent, for Annual Parliaments, Universal Suffrage, and Vote by Ballot.—By Sir R. Inglis, Mr. Barneby, Mr. C. Hamilton, and others, from Worcestershire, Boorstall, Chartley, Bucks, and other places, for Church Extension.—By Sir R. Bateson, and Colonel Conolly, from Londonderry, and Donegal, against Patronage in the Church of Scotland.

WEST-INDIAN MAILS.] Mr. *Freshfield* rose, in pursuance of his notice, to move for a "Select committee on the port of departure and arrival of the West-India mails, to whom shall be referred the reports of the committee appointed by the Lords of the Admiralty to inquire as to the comparative advantages afforded by different ports in the channel for the West-India mail service." Until a recent period no ports but Falmouth had been thought of for this service; but lately Southampton and other ports had been set up in competition. He advocated the claims of the port of Falmouth over that of Dartmouth, and hoped that Dartmouth would not be the port chosen for this service, and take it from Falmouth, in order to save about twenty-four minutes time. He was anxious, however, to have a committee of inquiry to determine as to the relative merits of the rival ports. All naval men were surprised that Dartmouth should be selected as a port of departure. In making his motion the hon. Gentleman stated, that all he sought was a full, fair, and impartial inquiry, and he would rest satisfied with a select committee appointed by the noble Lord, the Secretary for the Colonies, provided it were composed of intelligent men.

Sir *C. Lemon* seconded the motion. There appeared to be a determination in the Board of Admiralty to abide by the decision of the commissioners, whatever that decision might be. It struck him that the only ground to come before the House was, that there was either something defective in the evidence, or that certain matters lay without the field of the inquiry of the commissioners, and that the Government had taken the matter into their own hands.

Mr. *F. H. Berkeley* rose to put in his claim on behalf of Bristol, the advantages of which as a station for the West-India packets, if not superior to any other, which he did not contend it was, certainly entitled it to a hearing. It was well known, that Bristol possessed the chief part of the West-India commerce, at least as compared with any other port; and, as had been proved in the instance of the Great Western, could start steam-packets equal to any port of the kingdom.

The *Chancellor of the Exchequer* said, that long before the contract was entered into for the conveyance of the West-India mails complaints were made to the Government of the inconvenience of Falmouth as a port of departure, and memorials were sent in, praying that the preference might be given to Dartmouth. Of course, if this matter were thrown open to competition, every port would put in its claim to be selected as the best adapted to the purpose. The Government, however, had felt it to be their duty not to regard local interests, but the general good, and to endeavour to make the system as perfect as possible. They felt, however, that they had no power to control the parties who had entered into the contract as to the place of departure, except in so far as the public convenience was concerned. That was the reply which he had invariably given to all the applications which had been made to him upon the subject. For his own part, he did not care whether the packets went from Portsmouth, or Devonport, or Falmouth; and so he had told the hon. Gentlemen who represented the last two places. The question was, which was the most convenient port? which was the best place for the departure of the mails? The Government had kept that question always in view; and he must say, that if he had entertained any idea of jobbing, he should certainly have jobbed in favour of Portsmouth. In order to arrive at the most satisfactory arrangement, a commission was appointed to investigate the matter. It was felt that the persons composing that commission ought to be unconnected with the several ports under consideration; and amongst others Sir James Gordon, who had been engaged in the eastern survey, and Mr. Lawrence, the secretary to the Post-office, were nominated. When it was publicly known of whom the commission consisted, from no one quarter or person did he hear a single objection to the gentlemen appointed, or to the course which was to be pursued. That commission collected a large mass of evidence, amongst which were allegations in favour of all the different ports, but they thought it best to collect the opinions of all parties upon this subject. Dartmouth, however, was the port recommended. He had thought that this was a point which he ought not to decide upon himself, and therefore his noble Friend, Lord Melbourne, was good enough to enter into the inquiry with him, and the result was, that the recommendation of the commission was adopted. He must oppose the motion.

Sir *Hussey Vivian* said, it was not his intention to occupy the attention of the House at any length, but painful as it must be to him to differ from the noble Lord, and his other right hon. Friend, from, in fact, the Government, of which he was a member, on a question affecting the vital interests of those he had the honour to represent, he should be unworthy of the honour the electors of East Cornwall had done him, if he hesitated, when not only an injury but an injustice was about to be inflicted on them, and when, out of the proposed measure, no public advantage would arise, for if there were a public good to follow from the removal of the packets from the port of Falmouth, however individual or private interests might be affected, he would undertake to say, there was not a man in the county of Cornwall but would cheerfully bear it. He said he should be ashamed of himself if he hesitated and allowed any consideration for one instant, to interfere with the honest and faithful discharge of his duty to his constituents. When he applied the term injustice to the proposed measure, he must beg his Friends around him to understand, that he did not mean to attribute intentional injustice, either to the Government, or to the Commissioners—in respect to the Government he had no complaint to make. His opinion was, that they could not act otherwise than as they had done. A great change was to be carried out as to the manner in which the foreign mails were to be conveyed; it involved the question, whether some other port might not, with advantage, be substituted for that of Falmouth? The question had been raised by the contractors for the carriage of the mails. The Government appointed commissioners to examine and report their opinion. That opinion was in favour of Dartmouth, and the Government, very properly, were preparing to carry into effect measures formed on that opinion, believing it to have been formed after full consideration, and on just grounds, and he must say, that they had good reason for so doing. The commissioners, as may be seen by the first letter, amongst the voluminous papers which had been printed having, on the report being again, together with the representation of the different parties who objected to it, referred to them, adhered to their opinion. Let those who differed from the commissioners, those who thought that there should be some decided public benefit shewn, as certain of coming, from the removal of the packets, before they were removed from a port from which they had been despatched for nearly 200 years, and thousands of persons who were now dependant on the packet establishment for their daily bread, exposed to poverty and distress, let them assert that the commissioners were in error, and pray for further inquiry, before their recommendation was adopted. In fact there was an error, and we proposed to show it. And it was on this ground that he, for one, appealed to the House, and asked for a Committee: the commissioners had made their decision rest on a question of time. It was impossible to read their report, and not see this; it was then as to this question of a saving of time that he was at issue with them. He would not now trouble the House by going into the comparative merits of this or that port. He might, if he was disposed to take up the time of the House, say much on this part of the subject, but indeed it was not necessary that he should do so, so much having been already said, and so well, by the hon. Member for Falmouth, and his hon. Friend, the Member for West Cornwall. He would, therefore, refer to the question of time alone, and if he could show the House, as in a very few words, he hoped to be able to do, that the commissioners were mistaken in their calculation, he claimed to have established a case for further enquiry. The commissioners said that there was a saving of two hours by the embarkation of the mail from Dartmouth—from this, however, by their own admission in the first letter to which he had already referred, a deduction was to be made in consequence of their error in stating the distance from Exeter to Falmouth at 112 miles instead of 98. And here he could not help observing, that this admission was not made in the manner that he should have expected it would have been made. The Commissioners spake of another "available road"—available road indeed, from this expression, it really might have been supposed that they spoke of an available road; that it was some small bad road, over which a person might possibly travel on horseback—whereas it was the high road over which the mail coach had regularly passed since its first establishment. However the commissioners had admitted their error, and this at once abstracted an hour and a half from their saving of two hours, and now then he would further, on the authority of a letter he held in his hand from as good a seaman as ever went to sea (he would mention his name, it was Capt. Liddell, late of the Wellington East-Indiaman, an officer holding a commission as a lieutenant in the navy, and who, for many years past, had been engaged, as he had stated), he would at once, on his authority, demolish the remainder of the saving of time, and shew that so far from there being a saving of two hours by despatching the mails from Dartmouth, there was actually a loss of one hour. Capt. Liddel said,

> "A direct course from Jamaica to the Start passes more than thirty miles to the north of the commissioners' "imaginary berth," and it is evident to every practical man, that to escape the north-east trade, a steamer would invariably take a more northerly route. But, assuredly, the natural question is, "What difference in distance is there between the West-Indies and Falmouth, and the West-Indies and Dartmouth?" Answer, fifty-six nautical, or sixty-five statute miles, in lieu of the forty-seven given by the commissioners! It is, therefore, as demonstrable as any problem in Euclid, that instead of two hours being gained by going to Dartmouth, this strange error, added to the unaccountable mistake of one hour and forty-eight minutes in the mail-coach distance, leaves an actual balance of one hour in favour of Falmouth."

If, then, Capt. Liddel was right, and there could not be the least doubt that he was right, surely a report in which there were such palpable errors, it would be the height of injustice to carry into effect a change so seriously, so grievously injurious to the interests of Falmouth, and to the inhabitants of the county of Cornwall, and one, moreover, from which the interests of the public in general, instead of deriving a benefit, must be exposed to inconvenience. It was on these grounds then that he had taken the part he had done on this question. It was on the justice of the cause, and on the justice of the House, that he relied; when, in common with the other representatives for the county of Cornwall, he asked that further enquiry might be gone into before a Committee of this House. Before he sat down, he must, in reply to those who said, that a committee of the House of Commons was not the body before whom an enquiry of this sort should be made, observe, that all he, and those with whom he acted, required was, a full, fair, and impartial investigation. Whether it was made before a Committee of the House of Commons, or any other impartial and competent tribunal, it mattered not; at the same time he must say, he saw no reason whatever why a number of intelligent Gentlemen, composing a committee of the House of Commons, should not have before them the evidence of naval officers, and others qualified to offer their opinions on the subject, and be thus enabled to come to a decision on the subject.

Lord *Ingestrie* was in favour of inquiry, and thought the attention of the committee should be directed to the claims of Bristol, and the southern and western parts of Ireland.

Mr. *Irving* said, it had been distinctly understood by the company, at the time when the contract was made, that they should have the choice of the port from which the packet should start, and if that had not been so he could assure the House that the contract would not have been signed. He looked upon Southampton as the most convenient port for embarking both passengers and letters, and hoped that Government would adopt it for the latter. The letters would arrive more speedily if brought by the packets to Southampton, than if landed at Falmouth, and then conveyed to town.

Mr. *O'Connell* said, he could not concur in the vote of the hon. Gentleman, though he did in his reasoning. The hon. Gentleman confined the wording his motion to the channel harbours. [Mr. *Freshfield*: I beg your pardon.] If the hon. Gentleman would include the Irish harbours in his inquiry, he should vote for the motion. There were some of the finest harbours in the world on the south-western coast of Ireland, fitted, above all others, for South American and West-India packet stations. He might mention many of the Irish harbours, as Cork, Berehaven, and Valentia, the most western point in Europe. By a proper system of rail-roads, the distance would be made as nothing from thence to Dublin and London. For nine months in the year a south west wind blew up the channel. Even before steam navigation was in existence, he had known the voyage from Halifax to Valentia to be made in eight or nine days in heavy gales from the west certainly. At present, with the aid of steam, the passage between Halifax and Valentia need never occupy more than nine days. The claims of Ireland should be considered.

Lord *Eliot* being connected with the county of Cornwall, hoped the House would listen to the few words he had to say in reference to an observation that had fallen from the right hon. Gentleman, the Chancellor of the Exchequer. The right hon. Gentleman had spoken of an additional sum of money being expended in consequence of Falmouth being a packet station. He saw by the report, that the opinion of the committee, of which the hon. Gentleman was chairman, was, that Dartmouth was a most unfit place for a station, and that Plymouth or Falmouth would be preferable to it. He considered that the commission had acted with fairness, but while he would not impugn their competency,he must say, that even on their own showing it was evident they had been led into error, and that their decision had been arrived at hastily. He would refer in proof of this to a place well known to naval men by the name of St. Just's pool, which was an admirable harbour, and by the adoption of which a saving of several miles would be effected. It being evident, then, that sufficient information had not been obtained, the House should be cautious how it took away from Falmouth an advantage which it had enjoyed for a period of 105 years, in order to effect an alleged saving of a few minutes. From what occurred so often with respect to the large steamers, and the difficulties they experienced, he considered mail-coach conveyance, where practicable, was preferable to even the first-class steam-packets.

Mr. *Hume* gave great credit to the Governmenf for the manner in which they had acted upon this subject. If further inquiry were necessary he would prefer a practical commission on the spot to a committee of that House. He concurred in the wishes of his hon. and learned Friend the Member for Dublin; but in consequence of the terms of the West India mail contract that could not take place for the present, or for ten years to come.

Viscount *Duncan* advocated the plan of Southampton to be the port of departure. He had no doubt that the commissioners had acted according to the best of their judgment, but he owned it appeared to him to be a most inconvenient arrangement that the packets having sailed from Southampton, should be obliged to call at Dartmouth for the mail-bags. He would suggest that the bags should be put on board at Southampton, between which place and London the communication was now as direct and as rapid as the utmost facilities of railway transit could render it.

Colonel *Seale* considered this not to be a mere local, but a national question. He should not object to put Dartmouth in comparison in point of fitness for the purpose of which it was recommended with any port in the country. The hon. and gallant Member, amidst cries of "Question," proceeded to argue on the superiority of Dartmouth harbour, which, though narrow in the extreme, was admirably safe and convenient, vessels of 2,000 tons having easy access thereto. He read a letter from lieutenant Engledue, of the Great Liverpool steam-ship, showing that Falmouth, on the contrary, was very deficient in depth of water, and that the pilots at the latter place had refused to take the Great Liverpool in, on the ground that there was not sufficient water. The Peninsular packets were unable to take their mails at Falmouth, but were obliged to keep a mile and a half off. The hon. Member read extracts from another letter addressed to himself, from a gentleman selected to give information before the committee, who stated,that he had showed the superiority of Falmouth over Plymouth and Southampton, but said not a word about Dartmouth, as that was unquestionably the best of the whole. When the lines of railroad were completed,Dartmouth would be much nearer than Falmouth. The hon. and gallant Member after apologising for departing from the question before the House, sat down amidst cries of "Divide."

The House divided; Ayes 54; Noes 50: Majority 4.

List of the AYES.

Antrobus, E.	Bailey, J. jun.
Archbold, R.	Basset, J.

Berkeley, hon. H.
Berkeley, hon. G.
Bewes, T.
Blackburne, I.
Bolling, W.
Bridgeman, H.
Broadley, H.
Brooke, Sir A.
Buller, C.
Collier, J.
Craig, W. G.
Dalrymple, Sir A.
Duncan, Viscount
Eliot, Lord
Greig, D.
Grimsditch, T.
Hardinge, rt. hn. Sir H.
Hawkins, J. H.
Heneage, G. W.
Hodgson, R.
Hutchins, E. J.
Ingestre, Viscount
Irving, J.
Litton, E.
Lowther, J. H.
Miles, P. W. S.
Morris, D.
Muntz, G. F.
Norreys, Sir D. J.
O'Connell, D.
Palmer, C. F.
Pendarves, E. W. W.
Praed, W. T.
Protheroe, E.
Pryme, G.
Rolleston, L.
Rundle, J.
Salwey, Colonel
Spry, Sir S. T.
Staunton, Sir G. T.
Stuart, Lord J.
Trotter, J.
Turner, E.
Vivian, Major C.
Vivian, J. H.
Vivian, J. E.
Vivian, rt hn. Sir R. H.
Wilmot, Sir J. E.
Wodehouse, E.
Wood, B.

TELLERS.

Freshfield, J. W.
Lemon, Sir C.

List of the Noes.

Acland, Sir T. D.
Adam, Admiral
Baldwin, C. B.
Baring rt. hn. F. T.
Barnard, E. G.
Blake, W. J.
Brocklehurst, J.
Brodie, W. B.
Buck, L. W.
Buller, Sir J. Y.
Bulwer, Sir L.
Busfeild, W.
Dalmeny, Lord
Divett, E.
Ellis, W.
Ewart, W.
Gordon, R.
Greene, T.
Harcourt, G. G.
Heathcoat, J.
Hobhouse, T. B.
Hodges, T. L.
Howard, P. H.
Hume, J.
Humphery, J.
Hutton, R.
Labouchere, rt. hn. H.
Langdale, hon. C.
Lister, E. C.
Marsland, H.
Muskett, G. A.
Pease, J.
Philips, M.
Pigot, rt. hon. D.
Power, J.
Russell, Lord J.
Seale, Sir J. H.
Seymour, Lord
Stanley, hon. E. J.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Thornely, T.
Warburton, H.
White, A.
Wilde, Sir T.
Williams, W.
Wood, Sir M.
Wood, G. W.
Wyse, T.
Yates, J. A.

TELLERS.

Parker, J.
O'Ferrall, M.

Committee to be nominated.

Waterloo, &c. Bridges.] Sir *Matthew Wood* presented a petition from the nobility, gentry, bankers, merchants, and other inhabitants of the metropolis and its environs, praying the House will adopt some means for opening Waterloo, Southwark, and Vauxhall bridges, free of tolls.—Laid on the Table.

New Courts of Law.] The *Solicitor-General* rose for the purpose of submitting a motion, founded upon a petition which had been presented to the House at an early period of the Session, praying for an alteration of the site of the courts of law. The object of the motion, with which he should conclude was, to appoint a select committee, for the purpose of considering the expediency of removing the courts of justice from their present site to the neighbourhood of the inns of court. He knew no set of gentlemen in the kingdom less accustomed to associate together for the purpose of attaining any object than the solicitors. For many years they had submitted to great inconvenience, arising out of the present state of things, and their dislike of change induced them to forbear calling for an alteration, which public convenience and justice long since required; and nothing but a sense of the overpowering inconvenience to which they were now subjected could at last have caused them to petition the House on the subject. It could not be denied, that the attorneys of London were a class of persons the best informed, and the most likely to form a correct opinion on the subject that could be found, for their duties rendered their attendance at the courts of justice constantly necessary. They must be aware of the inconvenience or want of accommodation they experienced, and how far the situation of the courts was calculated to afford facilities for removing the present impediments to the progress of the business of their clients. He had heard it said, that the solicitors called for an alteration for their own convenience; undoubtedly that was the case, but it should be recollected, that the convenience of the solicitors involved the advantage of the suitors. The petitioners truly represented that the present site of the courts of law was at a great distance from what they called the legal quarter of the town—that the great mass of professional men were engaged in the neighbourhood of the inns of court—that many barristers practised in all the courts, and that their chambers were in the inns of court—that constant communications were going on between solicitors and barristers, and that, therefore, from the present situation of the courts of law—many of them being separated from each other, whilst it was necessary for the bar and the solicitors to attend to all of them—attorneys were subjected to great inconvenience, and the interests of their clients to considerable prejudice. When his attention was first directed to the subject, he had an impression adverse to the change suggested by the solicitors; but he must confess, that the more he had considered the subject, and the more he had attended to the facts brought under his notice, the more strongly was he induced to entertain the opinion that the reasons which were urged against the solicitors' proposition only required to be stated at large, in order that their futility might be apparent. It could not be denied, that if the site of the courts were to be now, for the first time, chosen, no one would dream of placing them at the remote quarter of the town at which they stood—a mile and a half distant from what might be called the legal quarter. In ancient times the courts of law used to accompany the monarch, and the present site of the courts was selected on account of its proximity to the palace of the Sovereign. At that remote period little inconvenience would result from the situation selected, because the pleadings were oral; now they were prepared for them in chambers in the Inns of Court. Formerly, likewise, almost all suits were nearly alike—the matter in dispute, generally, being connected with land; now, however, the great mass of causes were of a totally different character. A complete revolution had taken place in the courts of law and equity; and yet the old accommodation had been permitted to remain. It was extraordinary, that the present courts were constructed with the knowledge that they would be inefficient. Sir J. Soane prepared two plans, and the one upon which the courts were built was preferred by the Government, because it was cheaper to execute. The architect was afraid that his reputation would suffer in consequence, and actually petitioned the House not to allow the plan to be carried into effect. Since they were built, it had been necessary to find accommodation for the Courts of Review and Bankruptcy, and the former was installed in what had been used for a bed room; whilst the latter held its sittings in a lumber room, from which the lumber was removed to the House of Commons, and was the cause of the conflagration which destroyed the Houses of Parliament. In addition to the petition to which he had already referred, another had been presented from the most respectable merchants and bankers in the metropolis, complaining of the great inconvenience to which they were subjected by being compelled to attend upon trials at Westminster. In fact, it was not pretended, that the present site of the courts was advantageous in any respect, except from its proximity to the judicial council, the House of Lords, and the committees of the House of Commons; but the number of persons who were benefitted in that respect was perfectly insignificant compared with the great mass who were subjected to inconvenience from the great distance of the courts from the legal quarter of the town. The removal of the courts from Westminster had been objected to on the ground of old associations. The courts, it was said, were mixed up with many old associations connected with Westminster-hall; and their contiguity to the Houses of Parliament, had tended to encourage the idea, that they were, in some degree, connected with them. Now, he must say, that the attorneys were as likely to pay proper deference to those feelings as other persons. Taking them as a body, the attornies were generally Conservative; they respected prescription, and no class of men were more disposed to cling to old forms and habits; yet they would not permit an indulgence in those feelings to interfere with the due administration of justice. The attorneys had submitted a plan to Mr. Barry for the erection of new courts, and it was found that the centre of Lincoln's-inn-fields would afford every facility for that purpose. A splendid building could be erected in that space, which would afford, in addition to all the courts, a place for the preservation of the records, rooms for counsel, for witnesses, and for consultation on the ground-floor, so that the bar would never have occasion to leave the building in passing from one court to another; and, on another floor, would be a room for the Masters in Chancery, &c. There would remain an area of 100 yards around the building to be planted with shrubs and trees. It was proposed that the expense of executing this work should be defrayed from the suitors' fund of the Court of Chancery, and from the fee fund of the common law courts, of which a surplus of 20,000*l.* was annually paid into the consolidated fund. Thus the work would be executed without any addition to the public burdens. The hon. and learned Gentleman concluded by moving for the appointment of a committee to consider the expediency of erecting a building in the neighbourhood of the inns of courts for the sittings of the courts of law and equity, in lieu of the present courts adjoining to Westminster-hall, with a view to the more speedy, convenient, and effectual administration of justice.

Mr. *Hume* was glad to perceive, that common sense had at last found its way among the lawyers. He expressed his entire approval of the project detailed by the Solicitor-general, and had himself proposed precisely the same thing in February 1836, but could then obtain no attention.

Motion agreed to.

COMPENSATION FOR SLAVES.] Mr. *R. Gordon* moved for leave to bring in a bill to make further provision for facilitating and completing the distribution and payment of compensation for claims upon the abolition of slavery. The hon. Member said, that the commission appointed to decide upon these claims had discharged their duty very efficiently. They had decided upon 44,000 cases, of which 4,000 were litigated, and there had been only six appeals from their decisions, and in one case only had their decision been reversed. The commission had cost the country very little, and the lawyers had had nothing to do with it.

Motion agreed to. Bill brought in and read a first time.

IMPROVEMENTS OF THE METROPOLIS.] Mr. Alderman *Wood* presented a petition signed by 42,000 persons, praying, that Waterloo, Vauxhall, and Southwark bridges might be thrown open to the public. The worthy alderman then moved for the appointment of a Select Committee, to take into consideration the several plans for the improvement of the metropolis, concerning which reports were made in this House in the years 1836, 1838, 1839, and 1840, together with any other plans for the same object which they may deem worthy of consideration; and also the petitions presented to this House for the purchase of the interests of the proprietors of Waterloo, Southwark and Vauxhall bridges, in order to their being immediately opened to the use of the public free from toll; and to report their opinion as to the expediency of adopting any of the said improvements, and also, as to the best means of carrying the same into effect. He stated, that it was in contemplation to form a new street from Southwark-bridge to the Bank.

Motion agreed to.—Adjourned.

HOUSE OF COMMONS,

Wednesday, April 28, 1841.

MINUTES.] Bills. Read a second time:—Dog Carts, etc.; Turnpike Roads and Highways.

Petitions presented. By Mr. Wilson Patten, Sir Robert Peel; and Lord G. Lennox, from places in Lancashire, Sussex, and from Drayton, for Church Extension.—By Mr. J. Parker, and Mr. Hume, from Sheffield, Whitburn, and other places, for Alteration of the Tariff.—By Mr. Thornely, from Taunton, and other places, for a Repeal of the Corn-laws.—By Colonol Verner, from the High Sheriff and Grand Jury of the county of Armagh, in favour of Lord Stanley's Bill.—By Mr. Colquhoun, from Manchester, and other places, in favour of the Maynooth College Bill.—By Mr. Grote, from Merchants and Traders of the city of London, for a Revision of the Customs Duties.—By Sir W. Molesworth, from Australia, complaining of the Maladministration of the Emigration Fund.—By Mr. Kelly, and Mr. Sergeant Talfourd, from Ipswich, Reading, and other places, against the New Poor-law.—By Mr. Brotherton, from Baptist Congregations at Coleford, and East Retford, to make Affirmation in lieu of an Oath.—By Lord Eliot, from Cornwall, against the Removal of the Packet Station from Falmouth.—By Mr. Broadwood, from Bridgwater, for the better regulation of Charities in Corporate Towns.—By Sir R. Peel, from a place in Lincolnshire, against the County Cuurts Bill.—By Mr. Aglionby, Mr. Baines, Mr. Hume, Mr. Sergeant Talfourd, and others, from Dissenters at Bury St. Edmond's, Abingdon, Stebbing, and several other places, for the Abolition of Church Rates.

FLOGGING IN THE NAVY.] Sir *R. Inglis* said, that a rumour was in circulation, that a case of flogging on the Sabbath had occurred in the navy. He wished to ask whether such was the case, and whether, if so, the Admiralty had issued orders to prevent the recurrence of it, as had been done in reference to the land service by the Horse Guards.

Mr. *More O'Ferrall* said, the Board of Admiralty had received information of the circumstance alluded to by the hon. Baronet, and although they believed that the occurrence of punishment on Sunday was not usual, they had issued an order to prevent a recurrence of it.

OPENING THE REGENT'S-PARK.] Mr. *Ewart* begged to ask the hon. Gentleman, the Secretary to the Treasury, whether it were the intention of her Majesty's Government to throw open to the public that part of the Regent's-park which was now under grass; also, whether any communication was to be made between the Regent's-park and the new gardens on Primrose-hill; also whether that part of the park near Hanover-terrace was to be thrown open, and whether any chart, explanatory of the alterations, was to be laid before the House?

Mr. *E. J. Stanley* said, that it was the intention of the Commissioners of Woods and Forests to open the whole of the grass part of the park to the public. It was also intended to open a road, by means of a bridge over the artificial water, from Hanover-gate to the grass plat; but it was not intended to make any bridge over the Regent's-canal to Primrose-hill, which would be accessible in the same manner, and as heretofore, over Macclesfield-bridge. With respect to the last question of the hon. Gentleman, he begged to state that it was the intention of the Government to lay before the House, in the course of the week, a plan of the Regent's-park, for the purpose of showing the contemplated arrangements.

Subject at an end.

COURT OF CHANCERY (IRELAND).] Mr. *Sergeant Jackson* wished to ask the noble Lord, the Secretary for Ireland, whether it was his intention to proceed with the Irish Court of Chancery Bill on Friday next? He wished the noble Lord to postpone, until a more distant period, the further consideration of the measure, as some officers connected with the Irish Court of Chancery were anxious to be in London during its progress.

Viscount Morpeth had no objection to postpone the measure.

PARLIAMENTARY VOTERS (IRELAND).] Lord *J. Russell* said, it was his intention to move the Order of the Day for going into Committee on the Parliamentary Voters (Ireland) Bill, and as it stood somewhat low upon the list, he should propose, if the Gentlemen who had orders on the paper had no objection, that they should be read over, for the purpose of postponing them.

The preceding orders were accordingly read over and fixed for other days.

Lord *J. Russell:* In rising to move the Order of the Day for the consideration of the Parliamentary Voters' Bill, I beg leave to state the course which I propose to pursue: I asked the House to adjourn the further consideration of the bill the other evening, thinking the vote which the House came to with respect to certain words to be introduced into the first clause, to be of very considerable importance. I attached much importance to those words, chiefly from what I heard; and inferring, from the statements then made, that it was intended, by affirming those words, to exclude the franchise proposed by my noble Friend in his bill, the importance of that debate and that vote I did not by any means exaggerate, but I think the Government would not be at all justified in considering that vote conclusive on this question. They have to consider that the second reading of this bill—of which the principal clause is that which contains the franchise—was affirmed in a very large House by 301 Members. It is likewise to be considered that the amendment of my noble Friend was moved, not with the view of negativing any other franchise that might be proposed, but with the view of adding a new kind of franchise. That franchise, as stated in the course of the debate by my noble Friend, if added to that proposed by my noble Friend near me, would be an addition to the franchise, and not a diminution. That addition I should be willing to accept, if the House be prepared to adopt a franchise of the nature which we have proposed. Considering these circumstances, therefore, we think it is our duty to proceed with the bill, and take the sense of the House with respect to the franchise we have proposed. The franchise is the principal part of the bill, and it was discussed on the second reading, not with respect to its amount, or the length of the lease, but with respect to its general nature. I do not consider that it is necessary to enter further into the question at present. I shall, therefore, move the Order of the Day for going into Committee on the Parliamentary Voters (Ireland) Bill.

Viscount *Howick* thought that his noble Friend having explained the course which he proposed to pursue, it might be convenient to the House that he should also state his intention in reference to the amendment of which he had given notice, and what course he should pursue in consequence of what had taken place on a former evening. He still continued of the opinion, which he then expressed, that the county franchises of Ireland might be most satisfactorily settled on the principle which he endeavoured to state to the House—

namely, by retaining the existing franchise, with respect to the beneficial interest, providing a simple and easily ascertained test of its existence, and at the same time opening further means of acquiring the right of voting by the creation of an occupation franchise, analogous to that possessed in England by 50*l.* tenants at will. He still continued to hold that opinion, and nothing had certainly passed in the course of the debate on a former evening which could in any degree alter it. With reference to the first amendment, the House had affirmed the expediency of maintaining the principle of a property qualification. His noble Friend who had just sat down, had declared as he always thought he must declare—and he was extremely surprised at his noble Friend pressing the question to a division on a former evening —that to a franchise defined in the manner he had proposed, as an addition to some other franchise, his noble Friend had no objection. Except as an addition to some other franchise, he certainly never should have thought of proposing a beneficial interest defined in the manner he had suggested. If, therefore, the House should afterwards agree to some other franchise by which some considerable number of electors would be admitted to the right of voting, he should then, and in that case only, propose the amendment of which he had given notice, and which had been partly adopted by the House, with a view of defining the beneficial interest. But a more important amendment than this was that which went to alter the nature of the occupation proposed by his noble Friend, and to do away with the necessity of leases, and, in consideration of removing that restriction, to raise the value of the tenement which the voter was required to hold, With respect to that principle also, nothing that had passed on a former evening gave him reason to think he was wrong in proposing it. His noble Friends on that side of the House, refused on that occasion to enter into the argument at all. They did not attempt to show how it was possible that by a franchise founded on leases they could obviate the inconvenience of the existing law in diminishing the number of electors, in consequence of the reluctance to grant leases. They did not attempt to disprove his statements, made from the evidence laid on the Table of the House —that, speaking generally, the smaller class of holdings in Ireland—such as if they required leases they must accept as a qualification for the franchise—were very greatly over-rented, as compared with those of a larger size. The holders of these tenements, being more needy, were likely to be more dependent than tenants of larger farms. These facts had not been attempted to be disproved. On the other hand, the right hon. Baronet opposite, and his noble Friend the Member for North Lancashire, if he collected correctly the import of what fell from them, had no objection to the principle which he had advanced, but even went so far as to say, that if that principle had been embodied in the present measure by her Majesty's Government, they would be prepared to give it their acquiescence. He believed the expression of his noble Friend the Member for North Lancashire was, "to give it his most respectful consideration." He did not wish to push the words further than they would bear him out as to what fell from them on that occasion. He clearly understood that, disclaiming giving any opinion as to details, or as to the amount of occupation that ought to be required, both his noble Friend and the right hon. Baronet said, that in principle they had no objection to the establishment in Ireland of an occupation franchise analogous to the occupation franchise in England. But though to this extent the principle was admitted by the right hon. Gentlemen opposite, it was stated by them, that they would not be prepared even to consider the details of such a measure when brought forward in any other way than upon the responsibility of her Majesty's Government. Although he did not concur with them, he was not surprised at their entertaining the opinion, in favour of which he admitted, that much might be said, that a measure of such importance, affecting the representation of Ireland, ought not to be adopted by the House unless brought forward by the authority, and upon the responsibility of her Majesty's Government. That being their opinion, it was plain that in moving the amendment of which he had given notice, he could expect no support from the other side of the House. Neither could he on his own side of the House expect any support, because, though his noble Friends did not think proper to enter into the argument on the subject, they had distinctly stated their intention of resisting the amendment which he contemplated. The result of the division on a former evening proved to him that such being their determination, he could not calculate on any support even from those Gentlemen in whose concurrence with his opinions he had the best reason to believe. It would be therefore manifestly fruitless to bring forward the amendment he had intended. It would tend to no useful result, and he knew his duty to the House too well to occupy their time unnecessarily. He would not, therefore, interfere with the progress of the measure, by proposing an amendment which, however calculated in his opinion to produce a satisfactory adjustment of this much disputed question, had no probability of being acquiesced in by the House. Of course, with the opinion he had already expressed, it would be impossible for him, however anxious to co-operate with her Majesty's Government in placing the franchise of Ireland on a satisfactory footing, to support the clause which was to come under the consideration of the House. He would not trouble the House by repeating the arguments in opposition to that clause adverted to on a former evening; he would merely say, that not conceiving these arguments to have been in any degree answered, or the strong objections urged to the clause in the former debate to have been removed by the change her Majesty's Government now proposed, he could not support it, and he must confess he almost felt surprised, that her Majesty's Government should call upon the House to decide upon it. He was very sure it must be clear to every one who knew anything of the state of public affairs and parties in this country, that a franchise founded on the principle proposed, though it might possibly pass that House, could never pass into a law. He thought, therefore, the probable consequence of further discussion on the subject would be merely the increase of party excitement in that House, and of the still more pernicious party excitement and party animosity which unfortunately prevailed in Ireland. He thought the result must be, that this subject must continue for another year without any effectual attempt being made to correct the evils complained of. He believed the franchise required regulation and definition, and could not be left in the present state without mischievous uncertainty. He believed the system of registration to be faulty, but he also believed, from the information now before the House, that almost all the faults of the system of registration in Ireland, all the abuses, and all the evils which had been complained of, flowed mainly from the present undefined state of the franchise. He did not attribute those evils, which were admitted to exist on all sides, nearly so much to the defective tribunals for registration, nor to the want of an annual revision of the registration as to the nature of the franchise itself. The real cause of by far the worst of the present abuses was the existence of a franchise based on a fact which they had no certain means of ascertaining. To illustrate the mischievous consequences of the present uncertain test of the right of voting he would merely allude to certain returns which had been moved for by the hon. and learned Member for Bandon. The hon. and learned Member had moved for a return of the number of claims put in, and of the number allowed in different parts of Ireland. Among other parts introduced in the returns was the county of Cork. In that, the largest county in Ireland, it appeared that upwards of 12,000 claims had been made, and out of these little more than 1,000 had been established; so that for every single claim established, twelve had been put forward for discussion. In twelve cases they had all the litigation and all the discussion. [*"No, no,"* from Mr. Sergeant Jackson.] He knew to what the hon. and learned Member alluded. His dissent implied that all the claims were not followed up. But this did not seriously affect his conclusion, which was to show the uncertainty of the law which encouraged twelve persons to prefer claims for one who had obtained the right of voting. That state of things was a most monstrous and crying evil. He believed, that such results must continue, and, as he had said, they arose entirely from the uncertainty of the franchise. That being the case, it did appear to him that his noble Friend would attain no useful object by pressing forward his bill in the face of such an opposition as it must encounter. In the same way, if hon. Gentlemen opposite forced forward their attempts to improve the system of registration, and refused to attack the real and crying evil, such a proceeding would be likewise fruitless. It would tend only to exasperate existing animosities, and make more difficult at some future period a settlement of that question. He was persuaded that such would be the effect of pressing forward the bill of his noble Friend opposite at present, and he could not help asking the right hon. Baronet and his noble Friend whether, if it was not fit to deal with the franchise, and attempt to accomplish that highly necessary reform unless that reform was taken up by her Majesty's Government, proposed upon their responsibility and by their authority—if that principle held good with respect to the reform of the franchise, did not the same principle hold equally good with respect to the reform of the tribunal? Did it not hold more than equally good when it appeared, from the facts elicited in the course of the debate, that the first step towards enabling the tribunal to give a satisfactory decision, was a clear definition of the franchise. He was persuaded that such was the case—it was impossible to deal with the subject except as a whole, and, unfortunate as might be the result of leaving Ireland to suffer another year under the evils of the present registration system, and the present inadequate franchise, he thought, under the circumstances in which they were now placed, that such would be the best course, as he believed it would be the inevitable result. Did he deny, that that was a result greatly to be deplored? Far from it. Did he think that such a result would have been inevitable if either side of the House—if either of the two great parties that divided the House and the country had really been guided in the course they had pursued, by an earnest desire for the public good, in preference to party advantage? Far from it. If such had been the case, he thought a very different result might have been attained. He thought this was a question which did admit of a settlement. The country had a right to inquire, and would inquire, who was responsible for preventing such a settlement. He did not wish to lay blame on either side, but this he must say, that if her Majesty's Government had proposed a measure retaining as much as practicable of the existing law, and following also as closely as possible the analogy of the English law, in supplying any deficiency in the number of electors likely to be produced either by causes now in operation, or by establishing a clear definition of the beneficial interest;—if they had proposed a measure of that sort, founded upon a careful investigation of facts, and supported by full and satisfactory information, he was certainly bound to believe, from the declarations that were made on the other side of the House, that in point of principle, at least, no objection would have been urged. Even upon the details of such a measure, it was not impossible that an agreement might have been come to. He supposed that any hopes of that sort were now at an end. He would conclude the few observations he had thought proper to make to the House, by expressing his hope that though he now declined for the reason he had stated to persevere in an amendment of which he had given notice, the House would give him credit for not having acted hastily or inconsiderately upon that important subject; he trusted it would appear that he had not brought forward his amendment without reasonable grounds for entertaining the hope that it might be the means of conciliating conflicting parties, and facilitating the adjustment of a question which it was most injurious to leave open, and that on the other hand, he had done right in not persevering with his proposition, when he learned that it was not likely to receive support.

Sir *Robert Peel* said, the very few observations I have to make on the present occasion, will be exclusively confined to a statement of the course I took on Monday night, when this bill was last under discussion, and the position in which we now stand with respect to any future proceedings on the subject. I understand that her Majesty's Government, as a Government, as the executive administration intrusted with the confidence of the Sovereign, and with the responsibilities of office, undertook the adjustment of this question; that they undertook, first to define the franchise, and next to amend the admitted abuses of registration; abuses which they themselves did not deny, and which they themselves acknowledged to be gross and indefensible; but they also took up this ground, that there was a risk, in improving the registration, of narrowing the franchise in Ireland; that there were evils in an undefined franchise, on account of the conflict of the judicial authorities, and that therefore the two questions ought to be settled together, that the franchise ought to be defined, and then that those abuses might be corrected. In attempting, however, to define the franchise, her Majesty's Government made a proposal for the subversion of the franchise. In the bill introduced by her Majesty's Government, the preamble recited, that doubts and difficulties existed as to the present franchise, and that it was desirable to clear them up; but the practical mode in which they solved those doubts and difficulties was to subvert the existing franchise, and to substitute another in its place—namely, to take occupancy, as tested by the rating, as the qualification for the county constituency, while a 5*l.* rating was to constitute the franchise in all cities and towns in Ireland. I understood the noble Lord to make a decided objection to the principle of that franchise on two grounds. First, he objected to a uniform franchise, as applicable to the counties and towns of Ireland, and next he objected on principle to the abolition of a property in land as an element of the county franchise. The noble Lord, therefore, proposed amendments to the bill, the first of which embodied the principle for which he contended, and which, so far as the first clause was concerned, was simply this—that a beneficial interest, or a profit from land, should be a *sine qua non,* and an indispensable condition in the county franchise. We entered upon a discussion of that question, and I distinctly understood the other night, that we were then discussing a main—an essential principle of the bill—a principle which was to regulate the future constituency of Ireland. The noble Lord states that he has subsequently discovered that the suggestion of the noble Lord (Viscount Howick) and of the hon Gentleman who sits near him, with respect to the beneficial interest, was as an addition, and a supplement to the franchise which he himself proposed, and that therefore there would be now no inconsistency in admitting that additional franchise, as it would only extend and widen the constituency of Ireland. Why, if anything could be clear and decisive on that point, it was the explanation of the noble Lord himself when he brought forward his proposal, for the noble Lord stated that he proposed his amendment for the beneficial interest, not as exclusive of every other franchise, but as an addition. The noble Lord, the Secretary for Ireland, placed the same misconstruction on the declaration of the noble Lord, upon which the hon. Gentleman, the Member for Halifax rose, and, in the clearest and most decisive manner, said to the noble Lord, "You are wrong in your construction of our intentions—you prove that this would be an insufficient franchise, and would exclude many who ought to possess the right of voting. But unless we intended to supply the defects of this principle by something else, we never should have dreamed of proposing this franchise." I was quite surprised at the pains which the hon. Gentleman took, particularly after the speech of the noble Lord, to explain clearly and decisively the nature of the amendment, and I cannot understand how it was possible for any one to resist the proposal, except on principle. But upon principle it was resisted — upon a principle so overbearing, that it compelled her Majesty's Government to resist the proposal, notwithstanding the most decisive demonstration, that if you were going to define and adjust the franchise, you could not, without gross injustice, exclude some voters who will only be enfranchised by the amendment of the noble Lord. The noble Lord even supposed this case, that there might be a freeholder — one who held land in fee simple, but who might not be rated higher than 7*l.* 10*s.*, and he said, that unless they allowed a "beneficial interest," to afford a ground for qualification, that man would be excluded. Now, notwithstanding that decisive proof of the importance of the details of what the noble Lord's proposition involved, still the principle was found to be so overbearing by her Majesty's Government, that they determined that such a voter was to be excluded, and the "beneficial interest" was excluded also. I do not in the least quarrel with the explanation of what fell from me, as it has been given by the noble Lord; but still I think it is better that the House should draw its inference of what were the intentions of a speaker from the repetition of what was said by the Member himself, who uttered the sentiments commented upon, than by the statement of them in the light in which they struck another. What I did say on the occasion was, that if it was proved to me that the just expectations that were entertained under the Relief Bill or the Reform Bill have been disappointed—if it be shown to me that there has been such a diminution of voters as will not leave a sufficient and intelligent constituency in Ireland, in that case I would not be indisposed to consider a remedy, but if I must apply that remedy—if convinced of its necessity—I should feel myself compelled to contend that a profit from the land, on the principle laid down by the noble Lord, should be an essential qualification for the franchise; and I said also, with respect to the definition of the franchise, no authority short of the executive government ought to take up such a measure, or could be expected to bring it to a satisfactory conclusion. I am sure the noble Lord will believe me when I say, that it is not out of any personal disrespect for himself, that I declare it is impossible for me to give my assent to the proposition for sending up to the Lords a bill containing a new franchise, and that a franchise founded on no information upon which we can rely. I feel that it is not possible for me to assent to this to which I am asked to give my concurrence by the noble Lord. The proposition comes to us as made by an individual without any responsibility, and who, as it is admitted by the noble Lord himself, is unconnected with any great party in the State. The noble Lord asked us to define the franchise without having the power or the means of giving to us the materials on which we can know that his proposal is founded. Instead of the noble Lord being able to do this, we find that he is guided with respect to his franchise by the materials that were furnished to him for a very different purpose—namely, that of setting up a 5*l.* franchise. I do not, then, think it necessary to proceed with that, of which I despair to find the House come to a satisfactory settlement. I am sure that the House, whatever the form may be, will feel that I should be guilty of deluding hon. Members and the public if I were to give my assent to any definition of the franchise, if I had not reason to suppose that the bill containing that definition would pass into a law. Would it be fair in me to be guilty of the delusion of insisting upon a proposition, which I believe would not be assented to, and that could not pass into a law. Am I not, then, justified in saying, that when it is proposed that a new franchise should be framed, it is absolutely necessary that the party proposing to define the franchise, or to constitute a new franchise, should have the confidence of the Crown. I said, that I apprehended extreme difficulties in assenting to the details of the noble Lord's proposition; but, if I thought so on Monday, has not the intervening day furnished us with a fresh amount of information, and quite sufficient to justify the apprehensions already expressed by me? Here, then, is the second general report of the commissioners, empowered by the Attorney-general for the purpose of collecting information, and that has appeared between this day and that on which the noble Lord made his proposal, I have been engaged in reading it, but I must say it is very difficult to keep pace with all these documents. This I was reading until four o'clock to-day, and I found in the 24th page of the second report of the commissioners this passage—observe, they are gentlemen appointed by the Attorney-general who make this statement:—

> "There are not materials before us to form any calculation as to the probable amount of electors which the adoption of a franchise regulated by any given amount of rating combined with tenure would produce."

Now, I have no commissioners at my command—I have no friends to send to the provinces—I can only depend upon the information supplied to me by those who are going to constitute a new franchise, and when I look to the materials by which I am to calculate that franchise, I am told, "there are not materials to form any calculation as to the probable amount of electors which the adoption of a franchise regulated by any given amount of rating combined with tenure would produce." I look, then, to another paper, which involves details embracing some thousands of figures, and I find in this statement relative to the year 1837—a year that I purposely select, because that was the year which it is supposed produced the greatest number of constituents;—it appears, that there were that year 10*l.* leaseholders in counties, 13,482; 10*l.* householders in boroughs, 9,408; making altogether, 22,890. I purposely take the year which the Attorney-general selected as giving the largest constituency under the Reform Bill. I then turn to a paper of which I have just got possession, and in it I find an account of the number of 5*l.* tenements in eighteen different unions; and it, too, contains cities and boroughs. I find that there are 113,932 tenements rated at and above 5*l.* in these eighteen unions. Now, I am perfectly aware that the limits of cities and boroughs are not conterminous with the unions. Before, however, I come to a definition of the franchise must I not know the number of 5*l.* tenements, or what will be the probable number of voters existing within the electoral districts? I require that knowledge, but here there is nothing that can inform me. The noble Lord (Morpeth) told us, at the commencement of this discussion, that it was not his intention materially to increase the franchise—that he did not contemplate—and the noble Lord said, this was when he proposed the 5*l.* franchise — that there would be a great increase in the number of the electors. He distinctly said, that the 5*l.* franchise would not lead to a great increase of the franchise. These are the words of the noble Lord:—

"I do not disguise from myself that in the course of time this may lead to some increase in the number of those who enjoy the elective franchise. I do not think it would give rise to any sudden or violent increase. I think it would operate very slowly, and that it would only extend the franchise in a degree that would be perfectly proportionate with the increasing wealth and resources of the country. The standard for the franchise, whatever it be, must be fixed and definite, and it must be guarded, as far as it can be guarded, against the possibility of fraud or collusion."

Thus it was, that the noble Lord stated what would be the general tendency of the 5*l.* franchise, and that the increase would not be sudden. If, then, the intentions of the noble Lord be these, am I not perfectly justified in declaring my opinion, that looking at this question as a whole—regarding it as a question of immense importance in its practical and political results to Ireland, of immense importance, too, as forming a precedent for the future basis on which the franchise may be extended, am I not, I ask, justified in declaring, when such an extension is proposed, that the proposal should come from one who can acquire all the information that a Government can possess, and that he should bring it forward on the responsibility of the Government itself? Am I not also justified in adopting this course, that which I conceive as the principle that he has laid down, yet destitute of information as we are, that I must hesitate as to the details, until I see that the question is placed in that position that there is a prospect of its being permanently settled? Am I not also justified, if I dissent from the general principles of the noble Lord opposite, in not doing anything by which delusion may be excited, or false expectations entertained.

Viscount *Morpeth:* I do not intend to enter into a discussion with respect to the franchise until that subject comes distinctly before the House; but then I wish to set myself right with respect to an observation that has fallen from the right hon. Baronet the Member for Tamworth. He has stated, that on the other evening it was distinctly understood that we decided the question of principle, and that we fixed upon a *sine qua non* for the future constitution of the franchise. If the right hon. Baronet so distinctly understood it, I can only say that I had very undisguisedly stated that which it would be very difficult so to interpret—and I said it, too, in the speech that followed that of the noble Lord (Lord Howick). The deduction that I made might have been illogical, but I do not think there could be any doubt as to the words I used. I said, that I looked upon the first amendment, as relating to matter of form and of verbal expression, and declared that it would be quite as consistent with the adoption of his words, afterwards to definet he franchise in the way that might seem best to the House, as it was to define it in the way my noble Friend proposed. My noble Friend, and the hon. Member for Halifax, distinctly stated, that they had never dreamed of making their beneficial interest test the sole ground for the future constituency of Ireland; but they proposed, after the adoption of the words already inserted, another alternative qualification for the possession of the franchise. With the alteration or addition I stated that I was not prepared to concur; but at the same time I mentioned that my noble Friend's proposal of testing the profits without reference to charges was not one that would be objected to by her Majesty's Government as a mere addition; and as such whenever my noble Friend, or the hon. Member for Halifax may choose so to bring it forward, her Majesty's Government, treating it as an addition, would be very happy to adopt it. But, then, our own original proposition of a franchise founded on a net annual rating of 8*l.*, whether as the single ground of qualification, or as an alternative and additional ground we must retain. Upon this issue we are determined to take the sense of the House, deliberately and fully ascertained. With respect to the documents which the right hon. Baronet the Member for Tamworth has quoted, they do not seem to me to prove any thing against the course that has been pursued by her Majesty's Government. He has read for you an extract from the report of the commissioners for conducting an inquiry into the valuations for carrying into effect the New Poor-law, who have stated the impossibility of their forming any calculation as to the amount of electors which the adoption of a franchise regulated by any given amount of rating combined with tenure might produce. How could they possibly enter into a calculation of what number of landlords might give or refuse leases. The right hon. Baronet next referred to the number of tenements rated above 5*l.*, and from that he seemed to argue that they were inconsistent with the statement that there would not be a material increase in the electoral body in Ireland. According to the right hon. Baronet's statement, it would seem, that all *5l.* houses must be occupied by persons competent to have the franchise—that all living in such houses must be males, possessing all the requisites of electors, and having the possession of leases entitling them to vote. And then the right hon. Baronet commented on the number of tenements in the eighteen unions comprising the large cities and towns. The right hon. Baronet must remember, that no inference can be drawn from a comparison of this table, with the return of Parliamentary electors in these cities and towns, as the Parliamentary boundaries of such cities and towns constitute a small portion of the entire unions which go by their name The right hon. Baronet seems not to think he has sufficient information to enable him to decide upon the proposed franchise—he says that it will not enable him to make a change himself, or assent to that proposed by another. All I can say is, that we have not been chary in collecting information, nor in producing it as it comes to hand. It has been industriously collected, and as readily supplied. But then, what have I always contended for when I addressed the House on this subject?—that, in the nature of things it was impossible for us to legislate with full effect upon this matter in the course of the present Session. I have before now reminded the House that we were most willing to wait ourselves, until you yourselves proposed so to deal with the subject—so to remodel and to recast the existing constituency of Ireland, inseparably connected as it is with the system of registration that now prevails—so to alter, confuse, and embarrass the whole, as to leave no constituency whatever, either commensurate with the importance of the country, or qualified to carry into effect, the theory or the practice of a representative body.

Mr. Sergeant *Jackson* said, that it ought to be the duty of any Government at all competent to manage the affairs of the country, to collect proper information on an important subject like the present, and lay it before the House, instead of bringing on such a measure as this without supplying any information whatever of the least value until the last moment, and then of a very scanty nature. What he understood his right hon. Friend, the Member for Tamworth, to say was, that in the absence of such information, he was not prepared to legislate; so that the noble Lord opposite had mistaken his right hon. Friend. The noble Lord, the Member for North Lancashire, had offered the only remedy for the abuses in the Irish constituency by an annual registration; for it was notorious that persons had in many instances sound notions of registration, who had no claim whatever to a right of voting, as had occurred to a great extent in Cork. In the present state of the information before the House he did not see how they could legislate upon this subject with any advantage by proceeding with the bill further.

Mr. *H. Grattan* observed, that if ever a feather were plucked from the Crown of Queen Victoria, it would not be by the people of Ireland, but it would be by the cowardly shrinking, and the political jugglery of those who said they had no information on the subject, when their hands were filled with papers. He complained of the proceedings on this subject as a political farce. The noble Lord below him (Viscount Howick) had satisfied himself by having a majority against his friends, and then backed out of it as well as he could. And all this the noble Lord did with the solitary consolation of having a single admirer. Now, he wished that noble Lord to be perfectly satisfied of this, that the people of Ireland believed that he was not the man to extricate his party, his own country, or theirs, out of the slightest political difficulty. He knew that it was impossible for his Friends to carry a bill, such as they wished to give to Ireland. It was impossible for hon. Gentlemen opposite to impose upon Ireland such a bill as they desired. He asked the right hon. Baronet, who now said, that he had not enough of information, would he give to Ireland the benefit of the Scotch Reform Bill? Would the right hon. Baronet do that? He paused for a reply. Would the right hon. Baronet grant that? The right hon. Baronet "made no sign"—he then would not do it. Would the right hon. Baronet—he meant no offence when he said it—stand by his colours? But how could one, who changed, and changed, and changed again, be expected to become stationary, either upon the faith of the

Roman Catholic Relief Bill, or to the standard of the Reform Act? Let it be observed that they wanted no new franchise. The time, in his opinion, had come when the Irish Members ought to speak out more decidedly than they had done. [*Laughter*]. It was perfectly natural for the gallant Colonel (Colonel Perceval) so to smile or laugh. The gallant Colonel had no fear, but then there were others, who had not as much courage as the gallant Colonel, who shrunk with terror from that for which it seemed the gallant officer had no fears. An individual remarkable for his courage, had said, that he shrunk from a civil war in Ireland. He did not speak this as an idle boast or as a vague threat, such as he had often heard in that House. He wished that the right hon. Baronet had at his shoulder his old commander-in-chief, and not the Ithuriel that was there. Were that the case, the right hon. Baronet might become the conciliator of the people of Ireland, instead of flinching back from what might justly be expected from him. For his own part he declared that he came to this question determined to discharge his duty at the risk of his character, his life, and his honour.

House resolved itself into a committee.

First clause, as amended, was agreed to.

Clause 2, proposing that the qualification of voters shall consist in freeholds and leases of fourteen years, rated to the poor at the yearly value of 5*l.* having been read by the Chairman,

Mr. *Hume* rose and said, he wished to ask the noble Lord the Secretary for Ireland whether, after the statement which had been made by the noble Lord the Member for North Lancashire, as well as by himself, respecting the general indisposition to grant new leases in Ireland, it would not be right, if it was intended to give the Irish people any right to send representatives into that House, to give them such a franchise as they could secure to themselves—a franchise entirely independent of the control of their landlords? Did the noble Lord expect any increase in the number of voters as a consequence of his bill in its present form? The noble Lord the Member for North Lancashire had spoken out honestly upon this point; for he had declared, that the landlords ought to possess a command of the votes of their tenantry. [“*No, no.*”] The noble Lord had, at least, said, that the landlords ought to have sufficient influence over their tenantry to carry their votes his own way. He must confess that he was surprised at the noble Lord the Member for Northumberland, who seemed to have forgotten the doctrine which he had laid down on a former occasion. On the 4th of February last, the noble Lord (Howick) said—

> “I feel too strongly attached to the great principles of public liberty not to consider it absolutely necessary to fix the franchise in such a manner as that the great body of the people of Ireland may feel that their representatives in this House do really speak the feelings and represent the opinions of the majority of the people.”

That sentiment was cheered by all the Members on that (the Ministerial) side of the House. But what did the noble Lord say the other evening, when he made an attack upon the noble Lord the Secretary for Ireland, and told the Government what they ought to do for the Irish people?

> “Is it safe for you,” (said the noble Lord), “to trifle with the discontent of a whole nation? I thought the experience of the Catholic question had given the Government a lesson that would have prevented the repetition of a similar course.”

But what did the noble Lord mean by saying that they ought not to trifle with the discontent of a whole nation? What did he mean by saying that the representatives ought to be the representatives of the real opinions of the people? Good professions were readily enough made by both sides of the House, but he was sorry to say that there seemed no disposition in either party to fulfil them. Was it possible that the men of great talents and intelligence belonging to each party in that House could make up their minds to the belief that the people of Ireland would be content with paltry measures of reform? Did they think that anything but a full and fair representation would ever satisfy the country? From the official returns which had been laid on the Table of the House, it appeared that in England and Scotland only one man in five possessed the right of voting for a representative in the House of Commons. Four-fifths of the whole British empire were disfranchised. Was that a state of things likely to produce content and peace in the country? Yet no disposition was shown on the part of the Reform Ministry to remedy this crying evil. No; on the contrary, they were increasing the soldiery and the police for the express purpose of keeping down the feelings of the people in England and Scotland, in order to prevent them from calling for a full and proper representation. He was glad to find, however, that the people were not disposed to remain quiet under this great wrong, but that they were demanding an extension of the franchise. In Ireland, however, only one in twenty had the power of voting for a Member of Parliament. Would the noble Lord below him (Lord Howick) assert, that this was a full and proper representation of the Irish people? He called upon the noble Lord to act consistently with the professions he had made, and endeavour to go beyond the paltry suffrage which was proposed. The total number of registered voters in Ireland in 1837 was 98,000; that number had been reduced to 96,000. He was bound to admit, that there had been latterly a trifling increase in the number of voters in England, but the number of Irish voters had decreased. The population of Wales was 864,000; of whom there were only 43,000 electors. Scotland had a population of 2,500,000; but not more than 78,000 electors. Thus, Wales and Scotland, with a population of little less than 3,500,000, did not number more than 120,000 electors. But if England, Wales, and Scotland, had reason to complain, Ireland had much greater reason to complain. The population of that country was upwards of 8,500,000, and yet there were only 98,000 Irish voters. The noble Lord, the Member for North Lancashire, had felt the difficulty of dealing with property qualifications; nevertheless, he contended for the principle of making the right of voting dependent upon the possession of property. But why not take an equitable view of that point? Every man who held anything like a station in society, was possessed of property, which, however trifling compared with 50*l.* leaseholds, was as dear to him as wealthier men felt their possessions to be to themselves. The noble Lord, the Member for Northumberland, had given utterance to sentiments which he seemed inclined to fly from. But the noble Lord was bound to stick to his colours. He ought to see that measures were passed which would make the Gentlemen who came from Ireland really and truly the representatives of the people. But he durst say, that some understanding had taken place which would prevent the bill from passing, and another year would be allowed to elapse without doing anything. In his opinion, neither Whig nor Tory was disposed to do justice to Ireland. If the noble Lord had not saddled his clause, which reduced the rateable value to 5*l.*, with the condition of leases, he would have shown that he really intended to do justice to Ireland. The noble Lord had attempted to simplify the franchise in a manner that was highly creditable, but of what use was it, if he did not follow it up? Let the suffrage be lowered and defined in such a way as to leave no doubt about it. He was satisfied that if the people of Ireland could discern an intention on the part of the House to give them a full and fair representation, they would wait patiently and thankfully for the process of legislation. He concluded by moving the omission of all the words in the clause requiring a leasehold qualification of fourteen years.

The *Chairman* having suggested that the amendment of the hon. Gentleman could not be put in that form,

Mr. *Hume* would propose, then, that the word "fourteen" be struck out, and the word "one" inserted.

Viscount *Morpeth* said, the speech of his hon. Friend, whose presence he was glad to see on this occasion, proved that in bringing forward a bill of this kind, it was not easy to escape criticism. The bill had been called a revolutionary and democratic measure, but he had not expected to have heard it described as of a paltry character. The argument of his hon. Friend was, that every man rated according to an amount to be determined on by the bill, should be entitled to register without a qualification of tenure. In this attempt, he did not think his hon. Friend would meet with much support in that House. There were certainly those who wished to dispense with leases, but they wished to impose a much higher amount of rating than would be consistent with the views of the hon. Member for Kilkenny. The noble Lord the Member for Northumberland, though he did not state that amount, would probably not place it at less than 18*l.*, 20*l.*, or 25*l.* per annum. His hon. Friend had quoted the opinion of the noble Lord opposite, that tenants were in some measure to be considered as the chattels of their landlords, and would vote as they pleased to direct. His hon. Friend did not approve of that sentiment, but did his hon. Friend think he would add to the independence of the tenantry by dispensing with leases, and making them tenants at will? Did his hon. Friend forget all that had been said with respect to the 50*l.* tenant at will clause in England on this very point? He was not disposed to dispense with that security for the independence of the voter, which the possession of a lease must give to the tenant, as compared with a mere tenant at will, and he must be convinced that the indisposition of landlords to grant leases, which was, he thought, now wearing itself out, would go much further than he believed it would, before he would consent to dispense with that security.

Mr. *O'Connell* said, his hon. Friend's amendment would not carry out his object. He had not considered the peculiar difficulties which existed in Ireland, and that if his amendment were carried, one half of the Irish tenants would be prevented by their landlords from voting, as they would live under perpetual notices to quit. He would ask whether he was now, according to the forms of the House, at liberty to move an amendment, instead of the word "fourteen," to insert "for any time, for a period not less than, if he were resident in England, would entitle him to register and vote there." That would at once raise the question which he wished to try, of establishing a complete identity between the franchises of the two countries.

Lord *J. Russell:* The hon. and learned Member cannot at present move his amendment, unless that of the hon. Member for Kilkenny be withdrawn.

Mr. *C. Wood* supposed that the hon. Member for Kilkenny wished to try the question of an occupation franchise against a leasehold franchise, and, if so, he would support him.

Mr. *F. French* said, that would not be the case, as the word "lease" had already been read, and the hon. Member's amendment would make it a lease for a year.

Mr. *Hawes* said, the question might be settled by those who were in favour of an occupation franchise simply by negativing the word "fourteen." He disliked the leasehold franchise of the noble Lord the Secretary for Ireland, and much preferred the proposition of the noble Lord the Member for Northumberland, with whom he would have voted the other night had he any security that the hon. Gentlemen opposite would have agreed to the whole of the noble Lord's proposition. It was admitted that the leasehold franchise with an 8*l.* rating would diminish the constituency, whilst an occupation franchise would expand it. He should, therefore, support the occupation franchise, and vote against the insertion of the words "fourteen years."

Mr. *Pigott* said, his hon. Friend had misunderstood the question at issue. That question was, whether there should be a fourteen years' leasehold franchise in addition to the freehold franchise. Did the hon. Gentleman believe if he negatived this he would have any chance of obtaining the larger franchise he sought? If he did so he was grievously mistaken. Had he attended to the effect of such a franchise as the noble Lord the Member for Northumberland proposed. That noble Lord did not propose an extension of the franchise; not an addition to the franchise, but a complete transfer, a perfectly new distribution of power in Ireland. He proposed to disfranchise a large portion of those who already had the franchise, and enfranchise those holding under that tenure which had been so much objected to in England, and who would be more completely in the power of their landlords than those leaseholders who were the objects of his noble Friend's bill. The very power which his hon. Friend sought to defeat, he would most promote. The Government, on the contrary, had not sought a new distribution of power; they had taken the existing franchises, cleared them from the difficulties attending registration, and though the amount of rating required would disfranchise some, yet, on the whole, it would not, they believed, much diminish the constituency of that country, whilst the constituency would remain of that class and character best entitled to exercise the election franchise, and to whom it could be most safely confided. Whilst, if his hon. Friend's views were adopted, instead of having a large, popular, and independent constituency, he would have a constituency submitted to two dominations, both of which should be avoided—in quiet times to the domination of that fear which the interests of all dear to them would necessarily excite, and in unquiet times to the domination of their own exasperated passions. He warned his hon. Friend that, in supporting the views of the hon. Member for Kilkenny, he would merely produce the result of damaging the proceedings and views of the Government, whilst he would find himself unable to carry out his own.

Mr. *Smith O'Brien* supported the amendment, as he thought the plan of the noble Lord, the Secretary for Ireland, would reduce the constituency of that country to too low an amount. From the returns they had before them of thirty-one unions they were enabled to form something like an estimate of the number of voters which the noble Lord's plan would give to Ireland. The number of persons rated in these unions amounted to upwards of 76,000, from which a deduction had to be made for double holdings, female tenants, minors, and joint-tenants, amounting to not less than one-fourth of the whole, which would reduce the number to 57,000 odd. Of these, at the highest estimate, according to the evidence before them, not more than half would have leases, leaving the total number of persons entitled to register, 28,650. But neither in England, nor much less in Ireland, for obvious reasons, would all those register who were entitled to do so. In no case scarcely, did more than two-thirds of the whole register, which would give a total of 19,000 voters for a population of 1,600,000, being a proportion of one in eighty-four to the county population of Ireland, whilst in England, in 1832, the proportion was one in twenty-four, a proportion which had since increased. Looking also to the increasing indisposition to grant leases, both by Liberal and Conservative landlords, and the desire there existed amongst Irish landlords to overcome the evil of too great a subdivision of their property, he could foresee, that even this amount would be subject to continual diminution, and he, therefore, thought it much better to seek another ground for the franchise. Nor did he believe, that the more rural voters of Ireland had shown such submission to the dictates of their landlords, or had suffered their indomitable patriotism to be overcome, so as to warrant the fear which had been suggested by the learned Attorney-general for Ireland. The independence of the voters had not been broken down, nor would it be, to the extent that had been represented, and he should, therefore, vote against a clause which he thought did not give a sufficiently popular constituency to Ireland.

Mr. *D. Callaghan* begged to repeat what he had said last year, that the time had come when the franchise of Ireland must be based on something else than the possession of a lease. He would continue, by referring to Cork, the statement of his hon. Friend, the Member for Limerick, as to the independence of those persons who held their tenures from year to year. The tenant holding from year to year, had less to lose and less to fear by disobliging his landlord, than he who held under a short and perhaps expiring lease.

Sir *D. Norreys* suggested, that the present was not the stage for his hon. Friend to press his amendment. The House was not prepared for it.

Mr. *Hume* said, the House must have been prepared for it, as the noble Lord (Lord Howick) had given notice of an amendment proposing an occupation franchise only, and he (Mr. Hume) though prevented by the technicalities of the House from making precisely the motion which he wished, had determined, if the noble Lord did not introduce his amendment, to propose some substitute for it.

Mr. *Ward* thought the discussion an unfortunate one. The noble Lord (Lord Howick) proposed something the meaning of which he did not himself know; his hon. Friend, the Member for Lambeth, another thing; and, with all the clashing opinions on that (the Ministerial) side of the House, the bill must be altogether lost if the discussion was persisted in. It would be well if they could understand what they were to do. [*Cheers*] Hon. Members opposite might cheer, but they also would be unable to succeed in their attempt to impose vexatious trammels and restrictions on the Irish franchise.

Mr. *Hume* did not like this kind of lecture from his hon. Friend who last sat down. His hon. Friend talked about their understanding what they were to do Now, there had been a meeting on Monday of the Opposition Members, at which the policy of that side of the House was decided on, and no hon. Member belonging to that side would dare to act counter to it. But a man in Dublin, or any other part of the empire, knew just as much of what the Government meant to do, as he d d. The fact was, the Government itself did not know what it meant to do. Every day some new change was proposed. After what had been stated in that House, would they now tell the people of Ireland, that they were to be deprived of their franchise, if the landlords did not choose to give leases? Let some fair and advisable plan, like that of his hon. and learned Friend, the Member for Dublin, be proposed by Government, and there would not be so much difference amongst its supporters.

Mr. *Lucas*, in allusion to the assertion of the hon. Member, that hon. Members sitting on the Opposition side would not dare to speak in opposition to a certain policy, could only say, that he really did not know what they were to oppose or support in the propositions of hon. Members opposite. The hon. Member for Kilkenny had acknowledged, after taking a hint from some one on the benches near him, that the amendment which he proposed would defeat the very object which he had in view. The hon. Member for Lambeth made another statement and proposition, whereupon up rose the right hon. and learned Attorney-general for Ireland, and told him that he did not know what he was about. Really, however well disposed to oppose hon. Members opposite, not being blessed with those extraordinary powers, which the hon. Gentlemen supposed themselves to possess, he could hardly make out what it was, that he had to oppose.

Lord *John Russell:* The hon. Gentleman who has just sat down, and who wants something tangible, to oppose or support, was one of those—if not the principal one—who urged last Session with great force, (and no one is more able to place his arguments in a clear and distinct light), that it was necessary, if you meant to pass a bill which should rest on a secure foundation, and prevent eternal disputes, to have a fixed and definite franchise—more fixed and more definite than that which was then submitted. Yet the same hon. Gentleman, acting I know not under what orders, and abiding by the dictates of I know not what superior authority, has contended that every thing combined to show that it was mos unadvisable that there should be a fixed and definite franchise; that it was most unwise to attempt to fix the franchise in any way whatever, and that the true plan was to propose some plan of registration, without settling the franchise at all. Therefore, if the hon. Gentleman comes and taunts us with great differences of opinion, I must say that it would not be very difficult to show that the differences of opinion amongst different Members—each acting on his own information, and grounding his judgment on that—are not more varied, and that no one Member has differed more from one another than the hon. Gentleman from himself. I was prepared on this clause to state the reasons why it was proposed to shape the bill as it was originally submitted, and to rest the qualification on a term of fourteen years, and on property rated to a given amount. I am now ready, accordingly, to show the difficulties which any Government or individual Member of Parliament must contend with, in framing a measure of this nature; and in the next place, to canvass the advantages and disadvantages of the divers propositions which have been submitted. I think, in the first place, there is an immense difficulty in the way in which the term freehold, as applicable to England, has been applied to Ireland. The term freehold in this country, as laid down in the various books of authority, comprises a tenure not less than for life. Any tenure for a term of years is not considered a freehold; it is looked upon merely in the light of a chattel interest. Any gentleman who is acquainted with the English county franchise, will find that the 40*s.* freeholders are not a class holding for their own lives, or those of others, but that they have small freeholds of inheritance. With these small freeholds of inheritance they join various occupations. You will find some of them considerable farmers at rents of from 100*l.* to 300*l.* a-year, and having, at the same time, small freeholds of 40*s.* You will find small farmers with a similar privilege. You will find artisans, and in small country towns those exercising the trades of shoemakers, tailors, and various other occupations, holding a small portion of land as freehold, and totally independent of any landlord. You will find others in the situation of daily labourers (many of whom I have conversed with in the course of a county canvass), who made a struggle to retain their 40*s.* freeholds, while they were almost compelled by distress to ask relief from the parish. Now this is a class of persons, taken altogether, exceedingly independent, earning their livelihoods in an honest and industrious manner, not immediately connected with landlords or any class above them, very much diffused throughout the country, and having these freeholds in their families for a long period of time. I remember at an election for Devonshire, I said to one of these freeholders, "Have you held this tenure for more than a year?" and he answered, with some indignation, "it has been in my family since the time of William the Conqueror." This man might be looked upon as a very humble person, yet he was animated with the pride and independence of a freeholder not dependent on any one. Such being the nature of the freehold, the sum on which it was grounded raised no question of difficulty, because a man, holding this franchise by inheritance, his position was well known, and when he came forward and said he derived 40*s*. a-year from such a freehold, no incumbrances or mortgages which could reduce a value, in itself small in amount, being known, it was readily taken for granted, on simple averment, that such a title to a vote was well grounded. It is, therefore, on the whole, a franchise not subject, in point of amount, to a great deal of dispute; and though I have seen a great many questions arising out of it tried before the assessor at a county election, yet they were not difficult questions, many of them being determined in the course of the morning, and the right to the franchise easily established. If you apply this criterion to Ireland, you do not find that you have in fact, although you have in point of law, the same tenure. You do not find there are any large class of persons that have these freeholds of inheritance. When a right hon. Baronet, not now present, proposed in 1829 to disfranchise the 40*s*. freeholders, and to exempt the freeholders in fee simple, it was stated in the first place, that it was not advisable to make such a distinction; and, in the next place, that the smallness of the number, being but five or six in some counties, made such a restriction unnecessary. Property in Ireland is generally held for a long term of years, or during the life of the holder or that of another. With regard to those persons who are very considerable proprietors, and who hold for a long term of years, it is obvious, that so far as a freehold tenure goes they are not immediately in question, because a term of years by—I will not call it—a fiction, but the supposition of law, even though it should extend to 999 years, is not considered in the light of a freehold tenure, though the latter may be dependent on a life of only a few years duration. Then comes the tenure of the forty shilling freeholders, which does not at all correspond—speaking generally—with the class of persons so designated in this country. They are not numerous or generally diffused, or independent persons, who have held the franchise for generations, son succeeding father, of small amount, but rendering the holders totally free from any dependence on others. The case very generally was, that the nature of the freehold out of which a vote was claimed, was, that it was held either for the voter's own life, or, what was very common with the 40*s*. franchise, during the life of an old person, being reckoned at not more than seven years' duration. It is obvious, that many persons nominally holding a freehold, and though complying with all the contingencies of the English law, yet in point of fact, possessed a franchise very different from that which existed in England. But let us consider farther the great difference in the state of property in Ireland. The state of society in Ireland is totally different from that in England. With regard to the state of society in England, the noble Member for Northumberland was quite justified in the statement which he made last night. Even if we put out of question the 50*l*. tenants at will, the tenants generally are persons either agreeing in political opinions with their landlords, or, having no very decided views on political matters, willing to agree with the general body of landlords, and convinced, that there was no great difference of interest or feeling between them. Therefore, although the landlord may attempt, or may not attempt to coerce the vote of the tenant, there is no great difference exhibited on either side. The state of society is one of harmony—one of agreement, but rarely interrupted, and only on such great political occasions as the proposal of the Reform Act. Generally speaking, the political constitution is firmly based on what each class considers its separate rights; and although each set of men may be firmly determined to preserve their own privileges, there is no decided or pointed difference of feeling or interest between the class immediately above or below them. But when you come to the state of society in Ireland—whether you hold one opinion or the other—it is impossible not to be struck with the great diversity of feeling, I might say, the great opposition of feeling, between the class of great proprietors and the class of tenants, who, under the tenure I have described, have been intrusted with the franchise. You have one party highly attached to an aristocratic constitution, and very eager to uphold the Protestant Establishment of the Church, conceiving the ancient institutions of the country must be preserved for the sake of their and of the general security, as well as to fix the succession of the Crown in a Protestant line. You have next the class of persons below the landlords — at least, the great mass of the people — deeply attached to the Roman Catholic religion, holding, that they and their fathers have been injured and insulted by a predominant party, seeking the exercise of their political rights, in order, as far as possible, to adjust the balance, and claiming for themselves and the class to which they belong, a very large, and, as they consider, a just share of political power. I am not now stating that one party is right and the other wrong — I don't wish to urge the view of one side or the other, for the purpose of settling this question; but I state this view with the purpose of showing, that having such different feelings, being imbued with such different principles, and the variations of religion rallying to the contest, and making the representation of this House a means of embodying their sentiments—when such conflicts arise it is natural, nay, inevitable, that the body of proprietors and the body of tenants holding the franchise should hold different opinions, and exercise the franchise in a different manner. Well, during the existence of the 40*s.* freeholders, you had in the first place an immense abuse of that franchise, which I believe, no man can deny, by which the right of voting was carried to an extent that certainly did not rest on property, but was conferred with the view of carrying an election under the direction or through the instrumentality of the landlords. At length, and under strong political feeling, that power was broken. In the words of the right hon. Baronet opposite (Sir Robert Peel), "the weapon snapped in their hands," and the great body of the Roman Catholic voters exercised their power in behalf of their own sympathies, in behalf of the persons of their own creed and political opinions, and overturned, for a time, the power exercised by the landlords. You then stated, that this was an exorbitant power, that the franchise was wrongly placed, that there was an immense number of fictitious freeholds, and that it was necessary to place the franchise in more independent hands. The right hon. Gentleman opposite proposed a measure for this purpose; and so far as I can see, looking back to the statements then made, although I think there were abundant reasons for considering the franchise to a great extent an abuse, yet I do not think there were sufficient grounds or information to enable the Government of that time to establish the franchise as it was then settled. It was asserted by the right hon. Gentleman, that an immense number of persons gave their votes on these freeholds, and he used the argument since urged by the hon. and learned Member for Dublin for a different purpose. He said,

> "Look at the elections of England, look at the number of freeholders who have voted in England, compare the state of the two countries, and you will find the number in Ireland so large and extensive, compared to England, that there must be an abuse, and an abuse which it is right to correct."

On the authority, then, of the hon. and learned Member for Dublin, and of Mr. Blake, and I think of very little other authority, the 10*l.* a-year franchise was substituted for the 40*s.* freehold. Now, in so raising the franchise to 10*l.*, I think the difference between the English and Irish freehold was totally lost sight of. There may be no great difficulty in deciding whether an artisan with a small freehold of 40*s.* is entitled to vote. But when you come to a franchise founded not upon a freehold of inheritance, but on a tenure for life, and that dependent on the rent paid, and that you require the profits to be, not 40*s.*, but 10*l.*, there arise great difficulties as to the nature of the tenure and the amount of qualification. I do not want to enter into the various subtle arguments stated by great legal authorities in Ireland and the views taken by some legal authorities in Scotland; but I think it quite clear, that, at all events, the difficulty is of a different nature from any which has arisen in England. Whether the tenant got the 10*l*. above his rent from others, whether he had 10*l*. clear profit above h rent, whether the 10*l*. was obtained from the cultivation of his land, all these are questions that have not been foreseen by the Legislature nor provided for by the law, and consequently are all subjects of very great difficulty in dealing with the question. One thing, however, is clear, if you take the strictest definition of all these—if the tenant must have a clear interest of 10*l*. in his tenement, which he can obtain from any other tenant by underletting—supposing this to be established, you would materially restrict the franchise in Ireland. As it was stated by my hon. Friend the Member for Northumberland, and my noble Friend the Member for North Lancashire, in the early part of this discussion, you cannot suppose it extraordinary that on most, if not all, estates in Ireland, the full value of the land is taken in rent; and, therefore, it would be almost impossible to suppose embarrassed as many estates in that country are, that the landlords would forego to their tenants such a sum as 10*l*. a-year clear above what it could be let for to others. To take a hundred tenants under such circumstances on any estate would be to suppose the relinquishment of 1,000*l*. a-year on the part of the landlord, a sacrifice which no one could expect to be made. Sir, I have stated, that however fair in intention towards the people of Ireland were the Acts of 1829, and 1832, the Roman Catholic Relief Act, and the Irish Reform Act, in regard to the franchise, we were dealing with a subject we did not then sufficiently understand, we were dealing with abuses which we conceived to exist without having any very definite information respecting them—and with a state of society widely different from the state of society in England, without making due allowances for that difference. It was not, therefore, surprising, that we made some mistakes; indeed, it was only surprising that we did not make many more. Neither was it at all surprising in reference to those measures of 1829 and 1832, that more full and accurate information on those subjects had not been obtained; because the nature of the franchise in the one case was but a collateral branch of the measure, and in the other was not a great deal more. For instance, in respect to the first—the Act of 1829—the chief feature was the emancipation of the Roman Catholics, and not the abolition of the 40*s*. freeholders; and in the Irish Reform Act of 1832, the nature of the franchise was less the object of the measure than its extension. When the noble Lord opposite (Stanley) therefore brought forward the Irish Reform Bill in 1831, he was taunted by the other side of the House—by Mr. Croker, I remember, with not having laid before the House sufficient information on the subject; and Mr. Croker, it was likewise, who stated, that the Government furnished the information they possessed, the day after the debate. Then Lord Althorp was obliged to get up and say, that in fact no information of a correct nature could be furnished to Parliament on the subject. I do not taunt the Government of that day for so acting—such is not my intention; for it is my opinion that these large cases should be decided rather on a general than on a detailed view. But this is certain, that there was much less information on the subject before the House then than there is now on the subject we are debating. The result, however, as we all know, was the establishment of a franchise for Ireland, upon which I do not overstate the facts when I say, that all the legal authorities of that kingdom are at issue—the judges with the judges, the revising barristers with the revising barristers, and both with each other—and everything connected with it is uncertain. The course we took to remedy this state of things in 1835, was to give a definition of the franchise in a way the most favourable to the franchise. That course, however, was not adopted by Parliament — the bill introduced by us for that purpose did not pass. And, when I hear it stated to-night, that we ought to give a definition of the franchise on the one side and the other of the House, I do not know what we could do except to adopt the decision of the majority of the judges on the one hand, or that of our measure of 1835, since adopted by the Longford committee — both, however, being equally opposed by one party or the other in this House. To attempt a definition of the franchise was, therefore, clearly the sure way of preventing agreement, and the most effective means of producing much discussion in the House. And that would be equally the case if the question was kept in abeyance too, as the former bill had been lost. I was necessary, then, to come to some decision on the subject, if it was desirable to preserve the bill; and the decision should, to secure it any chance of adoption, be such a one as had been broached by neither party in the House. I am told by my noble Friend (Lord Howick), that if we adopt any alteration in the franchise, we ought to adopt occupation, and not let the franchise rest solely on leasehold tenure. Now, with regard to this proposition of my noble Friend, if we adopted it, it was, we considered, a great deal too much to suppose, that it would be acceptable to the other side of the House, unless it had been fixed at too high a rate to be of any practical value. But even if we had adopted it—this difficulty being presumed to be overcome—there is the strongest and best grounded objection to an occupation franchise alone. The noble Lord considers that a lease does not make a tenant more independent of his landlord than a mere occupation, but in reality less so, if the tenant and the landlord should happen to differ in their political views. Now, with respect to this most difficult question, I have consulted the highest and best authorities accessible to me, and they are all of opinion that, though the lease does not give a full security to the tenant for the free exercise of his political bias, as he may be driven out of his holding, eventually by the landlord, still it is a greater security than no lease at all; and it is further their opinion, that the first week after an election is over, and the heat and bad blood engendered by oppposition over, or, at least, cooled down, the tenant on lease was far less likely to be disturbed in his holding, for obvious reasons, than the tenant at will, or mere occupant. I shall not say now whether or not I consider that an occupation franchise would be beneficial for Ireland. Parties differ so much on that point, that I may be permitted to weigh my opinions more deliberately before I venture to give them upon such a difficult subject; but this I shall say, I am not so thoroughly convinced of its utility to that country, that I am prepared, as a Member of her Majesty's Government, to propose it on the part of the Government, or to adopt it as proposed by others. I beg to call the attention of the House to the state of society in Ireland as contrasted with that in England, once more. In England, if you have a right of voting for a 50*l.* tenancy at will, you will hear the landlord say, that he thinks he has a right to call on his tenant to vote along with him; although he never thinks of making such a demand as regards the 40*l.* freeholds of inheritance. And as I have already stated this cannot be looked on as a very great or a very crying evil in a country like this, where there is much community of interest between the landlord and tenant, and where a considerable harmony, in point of political feeling, likewise exists among the parties. But if you establish such a state of things in Ireland, and remember to establish the occupancy of franchise, is to do sò inevitably,—I am told by those more deeply conversant with the matter than I, that one of two consequences must follow. If you establish the franchise of occupation, I fear that one of two cases will arise. There may be a period of extreme tranquillity as regards political feelings and opinions, and in that case the occupying tenants will vote according to the wishes of the landlords. That was an evil, and might lead to what had been already frequently alluded to, namely, the possibility of a few individuals returning a Member of Parliament. That, after all, however, was only a political evil; but a greater and deeper evil might occur. There might arise a period of great excitement, in which the landlords might conscientiously think it their duty to support the Protestant Church in Ireland, and a party which was not that which the people of Ireland generally concur with. The landlords in that case would attempt to force their tenants to vote as they desired; but their tenants having an equally strong sense of their duty to their religion, their party, their rights, and their country would be placed in this situation—they would come to the hustings to record their votes for their landlords, and against their opinions and consciences; or against their landlords and in conformity with their opinions, and that of the great mass of the people, incurring thereby the risk of being ejected from their dwellings. I beseech the House to consider the evil which will accrue in either case. On the one hand, a man may be called upon to give up the means of procuring a livelihood for himself, his wife and family, in his native land; or, on the other, he will be compelled to vote against his own conscientious opinion, and in favour of those who malign the religion he professes, and the party to which he is attached. I dread, therefore, submitting any proposition to Parliament by means of which the great mass of the tenantry of Ireland may be placed in such a situation as that to which I have alluded. Having said so much on the general subject, let us now examine how the several propositions made to the House in the course of this dicussion are likely to work. We shall first take the 8*l.* rating, which, by the way, shows one thing contended for by the noble Lord, namely, the possession of a certain amount of property; and next, the term of fourteen years, which is equally commendable on the same grounds, such a term being in itself an estate. You have, if you adopt this proposition, a person, not, it is true, the same as an English freeholder with a freehold of inheritance, but one with a lease for fourteen years, and a rating of 8*l.*, which at least shows the possession of considerable property, who must, under such circumstances, therefore, be a person of some stability in the county. I cannot, therefore, consider that a man so circumstanced, is one to whom the franchise should be denied, on the ground of want of sufficient property. But then, it is said, that such a person may be influenced by his landlord in this way, namely—that the landlord may agree with him for a greater amount of rent than he can afford to pay, and let the balance lie over for the purpose of coercion. This may be the case undoubtedly; and I do not think that any mode which could be devised, would be wholly effectual to prevent a collusion between the parties. I do not mean to say, that the noble Lord's (Howick's) objections are not of great weight on the point, and deserving of all due consideration; but I do maintain that there is no direct remedy for the evil, and that all we can do is, to choose the least among the mass of difficulties that surround the question—the one which will make the tenant least dependant on his landlord. Such, Sir, are the reasons why we take the present rate of voting; such is the ground of our proposition to this House. It, therefore, seems to me that, in making this proposition, we have done that which is best calculated to distribute among the great mass of the people of Ireland most qualified for it, and least dependant, the elective franchise. One hon. Gentleman has said, in the course of this debate, that our proposition would introduce a great number of voters into the constituency of Ireland, who were now shut out of it, while he said that the constituency would be greatly reduced, by reason of the landlords refusing to grant leases. Be that as it may, if you give an occupation franchise you make it imperative on the tenant to vote either for or against his landlord; and in so doing you bring on in the one case the curse of hypocrisy, in the other that social conflict which must be always so strongly deprecated. With regard to this question, Sir, thereare two principal evils which cannot be too strongly deprecated by all honest men. Oneis the sort of social war to which I have just adverted—a social war between the great mass of the tenantry—the great mass of the people of Ireland on the one hand, and the great body of the landed proprietors on the other. Anything which would have a tendency to renew the conflict between these classes which existed just previously to 1829, would be a serious evil, and to it I will not give my consent. The other evil is a political evil, and it is one which ought to be equally avoided. It is that of contrivances, by means of legislation or otherwise, by which the number of the constituent body in Ireland may be so much diminished, that the people will be induced to look to other means of exercising political power. What I desire with respect to political influence is, that the great body of the people, when they wish to exercise political influence, should do so through their legitimate organs—that they should employ the power which is recognised by the constitution. That is a security, truly conservative, for the welfare of the country. If, on the contrary, it ahould be, by any means, contrived that those who sit in Parliament as the representatives of Ireland should not be looked upon as such by the people of that country, there would be no community of feeling between them. You cannot deprive millions of people of political power—you cannot, by any words you may put on your statute book, shut them out from exercising influence on the Government and the State; but you will induce them to do that which will cause their influence to be felt more powerfully, namely, to combine together in associations and clubs—illegal clubs and general associations, which would exercise an irregular and formidable influence on the conduct of the Government and Parliament, free from that check and control which exists when persons exercise legitimate political power, and have the opportunity of voting for the election of those who should represent their feelings and wishes in Parliament. If an attempt should be made to curb the power of the people of Ireland in the way to which I have alluded, depend upon it, it will fail. The best safeguard to the country is the continuance of that state of things which has existed ever since the passing of the Roman Catholic Relief Bill, and the Reform Act, by which they possess a regular mode of expressing their complaints and making known their grievances.

Mr. *Lucas* rose to explain. The noble Lord had retorted upon him a charge of inconsistency, which he hoped he had long since refuted. He trusted, however, that as it appeared not so, the House would indulge him for a few moments, that he might lay it at rest for the future. The noble Lord had said, that last year he was very anxious to define the franchise on unobjectionable grounds, though now he was quite of a contrary opinion. If he (Mr. Lucas) had suffered a change in any opinion of his, he had too much respect for the House to conceal it, and too much respect for himself to attempt to get out of it unworthily. The expressions attributed to him, and which he acknowledged were not, however, of such a nature as the noble Lord had represented them, and they had arisen in a discussion wholly incidental to the question before the House. He would read them to the House:—

"Sir D. Norreys regretted that his hon. and learned Friend, the Solicitor-general for Ireland had not taken this opportunity of grappling with the difficulties respecting the franchise, instead of substituting for the present definition one which would be equally uncertain and equally a matter of opinion. It might be worth while considering whether the Irish Poor-law Act lately passed might not afford a test less open to these objections.

"Mr. Lucas said, he could not allow this bill to be brought in without expressing his entire dissent from the construction of the elective franchise now attempted to be made law. The words "beneficial interest" were so vague and uncertain in their meaning, that judges and juries would always find difficulty in arriving at consistent decisions, and the door would be left open for temptation to perjury among persons of all parties. The framers of the bill of 1836 had perceived this defect in the bill of 1835, and had endeavoured to remedy it by adding the words, "use, profit, and advantage derived after paying rents, tithes, and expenses" but these words did not make the case clearer than before: the use and profit one person would derive might be different from what another might derive, and the oath of the claimant was still to be the principal evidence, while it was desirable for all parties, that the proof of the franchise should rest upon some acknowledged facts established by impartial authorities; as on the Ordnance Valuation, the Poor-law Valuation, or some similar basis. The Solicitor-general intended to follow the bills of 1835 and 1836; but he (Mr. Lucas) protested against any such legislation, which would, in his opinion, be ultimately injurious to all parties: and he would venture to predict, that the good sense of English Members of Parliament would prevent such a measure becoming law.

"Mr. M. J. O'Connell hoped the noble Lord, the Secretary for the Colonies, would not be deterred from adopting the suggestion of the hon. and learned Member for Monaghan (Mr. Lucas). It would give him sincere pleasure to see hon. Gentlemen on both sides co-operating for the purpose of devising some remedy for what all must agree to be a great evil—the system of loose swearing, which arose from leaving the qualification, as at present, so much a matter of opinion.

"Mr. Wakley also trusted the suggestion of the hon. and learned Member for Monaghan would be adopted."

The debate was not as to the nature of the franchise, but as to whether anything could be substituted for the oath which existed at present, and nothing that was said by him (Mr. Lucas) in the remotest degree could fairly lead to the inference that he wished, as the noble Lord seemed to insinuate, a rating test for the franchise in Ireland, independent of all incomings and outgoings to the tenant.

Sir *R. Peel:* I wish to state to the House the course I mean to pursue in regard to the particular proposition now before us, and which I consider does not involve the whole question. That proposition is, whether the words "fourteen years," should be omitted, and "one year" substituted in their place, as the hon. Member for Kilkenny proposes. [Mr. *O'Connell:* The object is to let in a tenancy from year to year.] I apprehend that we have before us the original proposition of the Government; and that the noble Lord (Howick) has stated his intention of withdrawing his amendment. The noble Lord has not signified his intention of opposing the principle of the proposition, and, therefore, we have to deal with it ourselves. Now, Sir, I think it will be best, in dealing with the whole question, to deal with it distinctly, and this is the course we shall adopt. It would be very easy for us to band ourselves with the hon. Gentleman (Mr. Hume) and divide against the proposition of the Government in so far; but that division would scarcely be fair, and it certainly would not be decisive. Therefore, as we intend to oppose the entire principle of the bill, the course we might take in respect to fourteen years or one year would be the same as in regard to the rating of *5l.* or *8l.* To us they are all the same in principle; but as I should much rather see the principle of the Government clearly before me, and as the details are a matter of comparative indifference to me, seeing that I am so decidedly opposed to the principle, though I might quit the House, and not divide on the hon. Member's motion at all, and so get rid of the responsibility that way, I do not think I should be acting justly in so doing, and I therefore propose to vote for the original proposition of the Government in the present instance and against the amendment of the hon. Member, that the whole clause may stand in such a state before the House as the Government desire it should in the first instance. It being, however, at the same time distinctly understood, that when the division comes on the great question which comprises the principle, I shall vote decidedly against it.

Mr. *C. Wood* explained the course he should pursue. After the decision that had been come to on the amendment of his noble Friend, it was a matter of perfect indifference to him whether or not the amendment of the hon. Gentleman was adopted or rejected. But having on that division voted for the occupancy in place of the leasehold, and as such was the tenour of the amendment before the House, he should, in case of a division, feel bound to vote in its favour. At the same time, no one was more sensible of the difficulties that surrounded the question. It was with the view of retaining a certain number of the most independent class of voters, that his noble Friend had proposed on Monday night to retain a certain number of voters who had been excluded by the Government. He had now the satisfaction to think, from the statement of the right hon. Baronet, that the mistake under which many hon. Members on that side of the House had appeared to labour—namely, that the proposal of his noble Friend, was a proposal of disfranchisement, had been entirely dissipated. He was glad that it had been made clearly to appear that the proposal was a mere addition, without disfranchising a single individual whom the bill of the Government would not disfranchise; and that whatever disfranchisement the Government had introduced, their amendment had diminished. As to the proposed amendment the question seemed to be, whether with a leasehold qualification they could have a constituency; it was perfectly true that tenants at will might be subject to the influence of their landlords; but if they established a leasehold qualification they gave the landlords the power of disfranchising whom they pleased; thus it became a question between the existence and non-existence of any constituency.

Mr. *Sheil* said, he thought that the statement of the hon. Member for Halifax was very much at variance with the intention expressed by the noble Lord, the Member for Northumberland, not to vote for the bill. If the statement made by the hon. Member for Halifax be correct—if the noble Lord, the Member for Northumberland, and the hon. Member for Halifax intended only that their clause should be inclusive—and that it should not be exclusive of the franchise proposed by the Government, would it not, he asked, be their duty to vote for the proposal made by the Government. He wished the hon. Member for Halifax would reconcile his statement with that of the noble Lord, who had most distinctly announced to them that he intended his plan, not as a bare addition, but as a substitution for the plan of the Government; "substitution" was the word which the noble Lord had used over and over again. [Mr. *C. Wood*: No, no.] The hon. Member for Halifax said "No." Then, if that were the case, he at least would vote for them. But he did not think that those hon. Members were in exact coincidence upon the subject. How did the case stand? The Government proposed an *8l.* franchise; that was a clear, simple proposal; but what was the proposal of the noble Lord? He said, that he would have a rate exceeding the rent. He would have the franchise depend upon an excess of rate beyond the rent; that was the noble Lord's first franchise; and that franchise would, of course, exclude all those who were merely rated at 8*l.*, and who had not an excess of rate over their rent. What was the second proposition of the noble Lord? Why he had told them over and over again, that he proposed an occupation franchise without a lease, and he had understood that a very high franchise was to be named. He could not think, then, that the hon. Member for Halifax was correct in the explanation which he had given of the intentions of the noble Lord. However accurate he might have been in disclosing the motives which had actuated the noble Lord and himself, he had equally succeeded in showing how infelicitous were the means which they had adopted for carrying them into effect. He believed the hon. Member for Halifax—he believed the noble Lord—he was anxious to believe those who were strong in the protestation of good intentions—but he must repeat, that the means which they had adopted for the purpose of establishing a constituency, by which Members might be returned who would fairly represent the Irish people, had not been happily chosen. He hoped he should be forgiven by the noble Lord and by the hon. Member, if he ventured, not to insinuate, but to state openly and distinctly, that they were not possessed of that knowledge of Ireland which such a proposition required, and he hoped he should also be forgiven by his hon. Friend, the Member for Lambeth, and his hon. Friend, the Member for Kilkenny, if he told him that, though Member for Kilkenny, he was not so well acquainted with the tenure of lands in Ireland as to enable him to form a very accurate judgment on this question. He should be guilty of great presumption if he ventured to pronounce with great confidence an opinion on the state of the public mind, and the character of the people in the county of Middlesex; and his hon. Friend would excuse him for saying, that he did not think, from his connection with Kilkenny, that his hon. Friend had got more information with regard to Ireland, than he had with regard to Middlesex. But, a perfect knowledge of the character of the people of Ireland was required with respect to one part of the proposition of the noble Lord and the hon. Member for Halifax. They understood, no doubt, perfectly well the effect of convenants in a lease, but they could not understand the effect of a Chandos clause or a Howick clause—as applied to the people of Ireland, for that depended fully as much on the relation of the gentry to the people—on the character of the people, and on the state of the public mind, as upon any mere question of figures. He thought that the noble Lord voted against the Chandos clause. He was almost sure that he voted with Lord Althorp on that clause, and entertained the same opinions as Lord Grey, who had most strongly protested against the Chandos clause. The noble Lord had told them that the Chandos clause had not worked badly in England; but some years since, the noble Lord had made a speech in Northumberland, in which he had inveighed most violently against the scandalous intimidation which had been exercised, and had said that the conduct of the English landlords was monstrous; and if it would oblige the noble Lord, as he happened to have that speech in his pocket, he would read a part of it. But the noble Lord would not deny, that he had lamented greatly the excess of the evil, and that he had said that the Tories were much addicted to intimidation. The hon. Member for Halifax, however, did not seem to think that it had worked so badly; he did not think there was much compulsion; for in England the landlords and the tenants pretty well agreed in opinion; but as in Ireland they did not agree, compulsion would be resorted to; and for the very same reason that the hon. Member for Halifax was for the Chandos clause in England, he ought to be against the Chandos or Howick clause in Ireland. Then the noble Lord and hon. Gentleman said, that a lease made no difference. They ought to have been in Ireland to give any explanation upon that subject. He who had spent a larger portion of his life than, perhaps, he ought to have spent in exciting agitation in that country—he knew what the landlords could do, and what the tenants could endure and what resist; and he could tell the noble Lord and the House, that the lease did make a difference. One of the most remarkable incidents which attended the agitation of the Roman Catholic question was the large collection which was made for the assistance of the persecuted tenants. He knew it was said, that apathy now prevailed in that country, and that no such collection could now be made. But the hon. Member for Dublin had said "that he would not despair of the fortunes of his country," and of the virtue of his countrymen, he (Mr. Sheil) never should despair. He had not the slightest doubt that if ever again need were, the same generous sympathy would be evinced. But what could they do for a tenant at will? Suppose that the noble Lord had been an Irish Member. He begged his pardon for the supposition—but suppose the noble Lord were an Irish Member, and that he went to a tenant at will and asked him for his vote. If the poor fellow told him that he had a wife and a large family, that he had been served with notice to quit, and that he knew if he voted for him he should be turned out, could the noble Lord press the man to vote? And if he had the misfortune, for so he must call it, to succeed, and in a few months afterwards he found that man and his family starving and shivering in the streets, what would compensate him for the pain which such an occurrence must excite? Not the place in the Cabinet would be a compensation to the noble Lord for the misery of which he had been the cause. Therefore he was against the establishment of a tenant at will franchise, by which it had been justly observed by the Solicitor-general for Ireland, the people of that country would be rendered slaves in the midst of tranquillity, and in the times of disturbance they would become martyrs. In another point of view he had been astonished by the proposal of the noble Lord; the noble Lord was the last man who ought to have made such a proposition. It was notorious that no man in the House was more strongly opposed to the Ballot than the noble Lord; the noble Lord had stated, that when the Ballot was made an open question, he had remained in the Cabinet, though opposed to the Ballot, because he thought that making it an open question was the sure way to impede its success. When the Chandos clause was under discussion, what had taken place? Lord Althorp declared, that he was against that clause, because it would lead to the Ballot, and Lord Grey stated, that he lamented greatly the change which had been made in the Reform Bill, he deeply regretted, that tenants at will had been invested with the franchise, because by that proceeding they afforded the strongest arguments for the Ballot. The noble Lord might rest assured that he had not mistaken Lord Grey, for he had read the speech that morning. And was it not so? and was not the proposition of the noble Lord sure to lead to that result? The hon. Member for Lambeth had called upon him to defend his opinions; he had met the challenge; he was defending his opinions; he was speaking of a country with which he was acquainted, the character of whose inhabitants was familiar to him—he was speaking of that which he knew, and he was answering those who had been speaking of that with which they were not acquainted. Was not a powerful argument supplied to the advocates of the ballot? Might not they well say, "Give no protection, give us the Ballot, that shield of independence, though you may call it the nursery of falsehood, give us the Ballot, and we will agree; but if you will not, if you will not extend that protection to the tenant, do not inflict upon him the fatal privilege, which must render him either a slave or a martyr—do not compel him to make his election between alternatives the most painful—do not require him to choose between tyranny the most oppressive and a fate the most disastrous." He relied not only upon his own opinion; he had written to men, in whom he had the greatest confidence amongst the people of Ireland, and they all concurred in saying, that under a tenant at will franchise the people of Ireland would be slaves amidst disturbances, and martyrs in the midst of agitation. Might he venture now to turn from the topics to which he had just been adverting to the general matter which was now in discussion between them—the course which, under all the circumstances, it was best for the House to pursue. He had remarked that a great number of references had been made to facts; but these references had not been made with much attention to order and method; and it had occurred to him, that it might not be inappropriate to advert briefly to some of the leading circumstances which had brought the matter to its present position. The House need not be alarmed, though he went so far back as the year 1825; he should not have done so, but that the right hon. Baronet, the Member for Tamworth had, on Monday night, referred to opinions which had been expressed at that time by the hon. Member for Dublin, and by the humble individual who then had the honour of addressing the House. It was perfectly true, that in 1825 he had stated it as his opinion, that the 40*s*. freeholders should be abolished; but he begged to remind the House, that at that time they had not thrown off the yoke; they had fulfilled the prediction of the Duke of Wellington, who had said, that he was convinced that the 40*s.* freeholders would vote with their landlords; and no doubt the opinions which several of the representatives of the Irish people then gave, were favourable to the suppression of the 40*s.* freeholders. They had acted with the best intentions —they had been influenced by an anxious desire to settle the Catholic question; and he was sure that the right hon. Baronet opposite must regret with him that the opportunity which then offered, was not seized by the Tory Government to which the right hon. Baronet belonged. He was surprised that the right hon. Baronet should have alluded to these circumstances, because when the right hon. Baronet considered the concession wrung from him by the exercise of a strong pressure from without, he must feel that it would have been better and wiser to have made the concession before such an agitation had taken place, as might make it appear the result of a different feeling from that to which all such concessions should be owing. However, the representatives of the Irish failed, and then they had no other resource but to raise their countrymen in their own defence. The 40*s.* freeholders were aroused—the Waterford election took place—other elections also took place, at which victory after victory was gained in the Liberal cause; then the power of the 40*s.* freeholders was evinced, and not till then. He could not help feeling surprised that the right hon. Baronet should enter upon another encounter with the Irish people, though on that occasion he was so signally discomfited. He, however, fully admitted that concession had been made, to the lasting honour of the right hon. Baronet; and he lamented that he had not adhered to the policy upon which that measure proceeded, but had reverted to the old policy, which was exactly the reverse of that, by which Roman Catholic Emancipation was carried. In 1829 what took place? The right hon. Baronet admitted that there was then no compact between the Government and the Catholic leader, and his hon. and learned Friend, the Member for Dublin, had stated a very important fact, that in 1829 a great meeting had been held of the friends of Ireland, at the Thatched-house Tavern, at which it had been decided, that Catholic Emancipation should not be obtained by the sacrifice of the 40*s.* freeholders; that was a fact beyond all contradiction. Let it not, then, be said, that the sacrifice of the 40*s.* freeholders was the result of any compact; but they were abolished; and what then took place? A protest was entered by the noble Lord, the Secretary for Foreign Affairs, and by the noble Lord, the Member for North Lancashire, against the solvent tenant test. [" No, no," from Lord Stanley.] The noble Lord seemed to intimate that he had made no such protest; but there was, in this case, no misprint in the speech of the noble Lord in *Hansard* or the *Mirror of Parliament.* The man who made the protest against the solvent tenant test, and who had in his hands the Irish Reform Act, struck out the solvent tenant test. Did the noble Lord deny that? Had he given any explanation of that? When the judge-advocate had called upon him to account for his speech, he had said, that he could only account for it by supposing that there was a misprint; but could the noble Lord now have recourse to that which courtesy prevented him from calling a subterfuge? How could he account for having left out the solvent tenant test from the Reform Bill. He had never accounted for it; he had never attempted to account for it. What had been done in the House of Lords? Lord Oriel had read a letter from a barrister of eminence, which predicted all the difficulties that had subsequently arisen, and so impressed was that nobleman, and there could be no better judge, with that conviction, that he actually divided the House of Lords on the subject. There, then, was the noble Lord objecting to the solvent tenant test, striking it out of the oath, and a division taking place in the House of Lords on the subject. Was it not fair, then, in them, to seek a liberal interpretation of the Reform Act? Was he to go to the opponents of that measure, or to those who had joined its opponents to interpret it? He went to the Liberal Judges, and by their decision he would abide. Coupling all those facts, it was the duty of the House to settle this question, and he trusted that they would act on a different policy from that which the noble Lord had pursued. There they stood in consequence of the looseness with which that act had been drawn; dissensions had taken place amongst the barristers, and differences of opinion amongst the judges. The Government had been taxed for not attempting to settle the question upon the old basis; they had been told, that they ought not to build a new House but repair the old one; but he said that they ought to build a new House on the old foundation, and the foundation should be the principle upon which the Reform Bill was grounded. The right hon. Baronet opposite had made no suggestion as to defining the franchise, though he complained of the Government for not doing so; but did not Sir M. O'Loghlin introduce a bill defining the franchise and establishing the beneficial interest? And was the noble Lord the Member for Northumberland aware that he voted for that bill, and that it contained these words:—

> "That the produce of the soil, out of which the tenant lives, shall be taken into account as an ingredient in the qualification?"

The Gentlemen opposite would not agree to that. What was to be done? The noble Lord the Member for North Lancashire had brought in a bill which did not define the franchise, and there was a good reason why it did not. The noble Lord found that a majority of the Judges was in favour of the solvent tenant test, and he thought, that the minority would ultimately come round to the same opinion; therefore he brought in a bill which did not define the franchise. But since then the Chief Baron of Ireland and the other Judges in the minority, had declared that they would not give way to the majority. That being the case, it was quite manifest that the bill of the noble Lord could not be adopted. The Government, accordingly, had brought in a bill, by which the franchise was defined; they had got returns from the Poor-law commissioners, and on them they proposed a rating as the basis of the franchise. The noble Member for Northumberland had carried an amendment which made the excess of rating above rent the test of qualification. Now, from these returns, it appeared that the rating was uniformly below the rent, so that it would be perfectly preposterous to make the excess of rate above rent the test of qualification, as proposed by the noble Lord. He could not collect from the right hon. Baronet whether he would support such a test, by which five-sixths of the Irish constituency would be disfranchised. Ireland had been deprived of the Municipal Bill for two years, in order, first to get a poor rate as the test of the franchise; and why should the Gentlemen opposite refuse to allow that as the test of the Parliamentary franchise which they had themselves been so anxious to establish as the test for the municipal franchise? What was the advantage of the rate? It was fixed, certain and unfluctuating; the rate would put an end to perjury; it would prevent appeals to the Judges. He (Mr. Sheil) was surprised that no Gentleman on the opposite side of the House had yet told them whether they were prepared to adopt the rate as the foundation for the franchise. It was said that a property qualification must be obtained. What was meant by a property qualification? Did it mean that the rate should exceed the rent? [Mr. *Shaw*: "yes."] He was obliged to the right hon. and learned Gentleman for the admission. Then let the House be advised of this—the rate, as appeared by the returns furnished by the Poor-law commissioners, was uniformly below the rent; the right hon. and learned Gentleman (Mr. Shaw) said that he regarded the excess of rate beyond the rent as the test of the franchise, and yet the right hon. Baronet (Sir R. Peel) the other night declared that he felt, as the rate was almost uniformly below the rent, that to make the excess of rate beyond the rent the test of the franchise would be to disqualify a great portion of the people of Ireland. Let the House look at that—there was a fair, an honest and a candid admission. Having that admission, was it not fair for him (Mr. Sheil) to say, "If you take the excess of the rate as the test of the franchise, you will destroy the constituency of the country?" What, then, was meant to be done? The right hon. Baronet the Member for Tamworth, would pardon him (Mr. Shiel) for saying, that when he found so much fault with the proceedings of the Government—when he said that something must be done, it was his bounden duty to say what he thought ought to be done. He (Mr. Sheil) was showing, he thought not with impropriety, that the right hon. Baronet had admitted that the making the excess of rate above rent the test of the franchise would destroy the constituency of Ireland, whilst the right hon. and learned gentleman the Recorder for Dublin declared that, the excess of rate above rent ought to be taken as the test of a property qualification. [*Cries of "question"*.] If he really thought that he were passing away from the question before the House, he should be obliged to the single Gentleman who had interrupted him for setting him right, and he would sit down at once; but he thought that the remarks he was offering were not irrelevant to the question. What were they to do? Were they to leave the constituency of Ireland in the state in which it existed at present? There had been a great deal of controversy about the state of the constituency of Ireland; but documents had recently been laid before the House which set the matter completely at rest. The noble Lord the Member for North Lancashire, when he introduced his bill, spoke of the base means, the villainous perjury, by which the constituencies in Ireland had been swollen and expanded. He (Mr. Sheil) thought at the time that the noble Lord was in error; but all controversy upon the point was now set at rest, for there was a document before the House, from which it appeared that the constituency, instead of having been swollen and expanded, was, in fact, miserably curtailed and restricted. Would the House, then, do nothing to correct the evils that had arisen? Was the constituency of Ireland to be further reduced? Was nothing to be done? Was Waterford, with a population of 150,000, to be left with a constituency of only 803? Or was that district which had a population of upwards of 1,000,000, to be left with a constituency of little more than 4,000? He would not say, that the 40*s.* freehold franchise ought to be restored in Ireland: but this he did say, that when there was a 40*s.* freehold franchise retained in England, something of an analogous nature ought to be introduced into Ireland. It was said that the people of Ireland were poor, and a disposition was evinced to take the wealth of the one country and the poverty of the other as the test by which the constituency of Ireland should be measured. He (Mr. Sheil) could not help remarking that whenever the resources of that country were spoken of in the House of Commons there existed an extraordinary variety of assertions, and Ireland was either rich or poor just as it suited the exigencies of debate. When the hon. and learned Member for Dublin, stung by the injustice which he saw daily practised towards his country, called for a repeal of the union, he was met by glowing descriptions of the singular advantages which Ireland had obtained from the union, how rapidly she was advancing in the scale of nations, and what noble destinies were in reserve for her. But when the subject was changed —when the friends of Ireland said, in the name of justice, of expediency, and of necessity, that she ought to be made a participant of all the rights and privileges of which the people of England were in the full, undisturbed and undisputed possession, they were turned upon and told that Ireland was a poor country and not fitted to enjoy the same advantages as her more wealthy neighbour. It is true, continued the hon. and learned Member, that Ireland is not a rich country, but Ireland possesses some great qualifications for a large constituency, Ireland has made great and signal advances, and to a country which in every thing respecting social power is making such advances, to a country which has arisen from servitude to high-mindedness, and has put off the habitude of depression, to a country in which great courage and determination is combined, as it is, with great morality and sobriety, to a country which almost as by a miracle has given you signal proof of its social improvement, I say to such a country you ought to concede a very different franchise—to such a country you ought not to award the constituency the noble Lord the Member for North Lancashire has prepared for them. Between the bill of the noble Lord, the Secretary for Ireland, and that of the noble Lord the Member for North Lancashire, this House must elect. For mark, has the noble Lord the Member for North Lancashire given up this bill? Does he not persevere in it with all its vices? Does he not still insist upon appeals to the Judges? Does he not still insist upon annual revision? Does he not insist upon that system of oaths which gives rise to that "villainous perjury" he so much laments? And, under these circumstances, what course is the House to take? Take the bill of the noble Lord the Member for North Lancashire and you take ambiguity, confusion, and agitation; but take the bill of the Secretary for Ireland, and you take a bill which fixes the franchise by a definitive standard, you take a bill which sets the conflicting statements of the law at rest, you take a bill by which oaths are suppressed and perjury put an end to, you take a bill by which the dissensions of the judges cease, and you will then show your solicitude for the rights of the people of Ireland, and afford them the most perfect satisfaction.

Sir *Robert Peel:* I wish to say a few words upon the remark made by the hon. and learned Gentleman, in which he animadverted on a speech made by me on the last evening of this discussion, and complained of my not having given a correct version of what had been stated by the Roman Catholic advocates, in 1825. I repeat what I then said, that there was no species of compact between the Roman Catholic advocates, Protestant, or Roman Catholic, in which the abolition of the 40*s.* freeholders was stipulated. I stated that distinctly; and, in short, there was no communication whatever upon the subject. But I stated, that there had been, in 1825, evidence given, and that, between that period and 1829, there had been proofs adduced, of the evils of the 40*s.* franchise in Ireland, which induced the Roman Catholic advocates to give the strongest evidence against them. The great misery produced by the separation of the 40*s.* freeholders from their landlords induced the Roman Catholic advocates not to wish for their continuance in that franchise. To show that was the case, I take the evidence of one of the highest authorities on that point—the evidence of the hon. and learned Member for Dublin, and I quote two answers given by him at that period. The question was put—

> "In point of fact, is there not a great objection to the 40*s.* franchise in Ireland, that it is a nominal rather than a real franchise?"

To which the hon. and learned Gentleman answered—

> "That is one great objection, (and added) there is another; which is, that in many cases the freeholder either pays a higher rate than the holding is worth, and so is in the power of the landlord; or by a scheme which has been devised, the landlord gives him a cottage and an acre and a half of land, letting it to the tenant from year to year, and thus he is in the power of the landlord for the adjacent land quite as much as if it constituted part of the freehold. Thus the 40*s.* freeholders are no doubt the property of their landlords, and in some counties voters are sold as regularly as cattle."

Is not that a decisive proof of the opinions then held by the Roman Catholic advocates, of the 40*s.* franchise? The hon. and learned Gentleman was then asked—

> "Is it not the case that the 40*s.* freeholders vote frequently with the priests, and against their landlords?"

To which the reply was—

> "I do not think that many vote with their priest, but they did vote with the laity against their landlords in some instances. I have known some instances in which such a thing has been done. I hope I may never see any others. I confess I think, that the 40*s.* freeholders who vote against their landlords are generally ruined. There are heart-rending scenes after an election, and it is difficult to reconcile oneself to such misery."

This evidence remained on record, and I say, that those who had to legislate in 1829, had a right to draw the inference they did against this franchise, and this evidence fully justified them in abolishing a system that had been so strongly condemned.

Mr. *Hume* said, the hon. and learned Member for Tipperary had charged him with ignorance. He knew that he had some failings in that particular. But, if he were ignorant of many things, he hoped the hon. and learned Member knew all he should. The hon. and learned Gentleman accused others of wishing to disfranchise the people of Ireland, but he it was who would really disfranchise them. He had made some mistake in the wording of his amendment, but he would take the sense of the House on the insertion of the word "fourteen."

Mr. *W. Roche* would only say, that from his knowledge of his countrymen and their habits he would vote for the amendment of the hon. Member for Kilkenny.

Mr. *O'Connell* said, he hoped the House would allow him to trespass on its attention for a short time, as he had been strongly alluded to by the noble Lord, and the right hon. Gentleman. He should be sorry that his hon. Friend, the Member for Kilkenny, should persevere in his intention to divide the House. It was totally unnecessary, for if he would look into the clause he would see that it was an affirmative clause, and therefore that he might after the present one add the clause giving even tenants-at-will the right to vote, provided they varied the sum by only one shilling, so that it was totally unnecessary for him then to divide the House. It was not very material whether he took that immaterial division; for an immaterial division it would be, because as the right hon. Baronet and the Government would vote against him, he had no chance whatever of a majority. He (Mr. O'Connell) had heard what had fallen from the noble Lord (Lord J. Russell) with great pleasure, yet not without regret. There was in his speech an exposition of some of those principles applicable to the Government of Ireland, which, if carried into effect would be eminently useful; but he did not think the noble Lord's vindication of the conduct of the Reform Ministry in 1832 was satisfactory. The noble Lord went into the history of the 40*s*. franchise, and of its abolition, but he was not accurate in saying that the 40*s*. franchise was abolished on his (Mr. O'Connell's) evidence, nor was the right hon. Baronet quite accurate in saying that the 40*s*. freeholders had been abolished in consequence of the evidence given by the advocates of the Roman Catholic claims, and more especially of that which he (Mr. O'Connell) had himself given. The right hon. Baronet, in referring to the evidence in support of his assertion, had omitted to read the first answer which he (Mr. O'Connell) had given. In that answer he only spoke of the abolition of the 40*s*. freeholders under leases, and not of those similar to the English freeholders. He stated, that with those, nobody wished to meddle, and so far as the perpetual interest was concerned, he had not said one word to justify the abolition of that tenure. It was material for Ireland that this should be understood. It was now admitted by the right hon. Baronet opposite, that there was no compact between the Government of 1829, and those Gentlemen who advocated the Roman Catholic claims in regard to the abolition of the 40*s*. freeholders; so far from that being the case, they had now the fact that at a meeting of sixty-three noblemen and gentlemen, the supporters of Catholic claims, held at the Thatched House Tavern, a resolution was unanimously agreed to, to petition Parliament against the Catholic Bill, if the passing of it was to be the sacrifice of the 40*s*. freeholders. Such a petition was presented by Mr. Spring Rice. The right hon. Baronet opposite had called his abolition of the 40*s*. freeholders a measure of reform. It was the only instance in which he had shown himself to be a Reformer. He had consented to their abolition, not because they were Catholics, but because he considered the system a social evil, and his mode of reforming was by totally destroying. This, however, could never be any reason for refusing an extension of the franchise to a similar class. The abuses in the old system of 40*s*. freeholders were partial, and did not extend to whole counties; nor did they continue up to the period of their abolition. Between 1825 and 1829, every one of the abuses described in the evidence had vanished. The right hon. Baronet opposite, and those who acted with him, refused to correct the abuses and to grant emancipation at the proper moment. Had they done so, a century might have elapsed before the people of Ireland would have found it necessary to make any further struggle. But the auspicious moment was allowed to pass by. What then followed? The people of Ireland compelled the Government to grant them emancipation, unconditional and unfettered by any terms whatever. The 40*s*. freeholders shared in the battle, but they were not allowed to share in the triumph; they were annihilated, they were destroyed. Then came the Reform Bill. He had opposed that bill by reason of the limited nature of the qualification sought to be established by it. He argued that the franchise was too narrow, and that the number of electors would bear no reasonable proportion to the population. Time had shown, that he was not mistaken in this; he had underrated the number a little, but it was not much beyond his calculation. They had been told, that Ireland had got a reform similar to England. But how stood matters in that respect? In Bristol, any man who was rated at 1*s*. was a burgess, while in Dublin, no man could be one, who was not rated at 10*l*. Why make such a difference? Why persevere in maintaining such a distinction, unless it was their wish to tyrannize over Ireland? They did, however, persevere in exercising their power in all the plenitude of an insolent domination, without any reason, and in defiance of that principle, which said that both countries should be identified as one. He would now point out to the House an instance of the difference between the proportion of electors to the population in the two countries. The county Galway, containing 685,604 inhabitants, had only 2,085 voters; Donegal, with a population of 298,491, had only 1,462 voters; and Mayo, with 366,000 inhabitants, had only

950 voters. In England, the county of Hertford, with a population of only 95,977, had no less than 5,349 voters; so that this county, with a population of only 95,977, had more voters than the three counties of Ireland he had stated, the aggregate population of which was upwards of 1,000,000. Now would any man, either on the one side of the House or the other, say, that this was just or right? What would they say if the case was reversed—if 95,000 inhabitants of Ireland were represented by 5,000 voters, and upwards of 1,000,000 of Englishmen had only 4,000? Was there a man among them who would endure such a state of things? If there was, he despised that man; and should he not despise him, he ought to despise himself. He appealed to them for redress. If they refused to grant it, he would appeal from them to the people of Ireland. He would only give another instance of this inequality. Wales, with a population of 305,000, had 36,833 electors, while the county of Cork, with 703,000 inhabitants, had only 3,835 electors. There was no equality in this. Now, no doubt, they had the power to continue this gross inequality in the representative system between England and Ireland. Was it prudent to continue it? Was it just to continue it? Was it safe? It might be safe just now, but who could say that it would be so that day three months? Let them not lay the flattering unction to their souls, that the people of Ireland were regardless of this question, or that they did not understand it. The question of how they were to govern Ireland was a serious one for the representatives of Scotland and England. They had continued the system of exclusion long enough, and they ought now to give way, and treat the two countries as one. He was not contented with the bill of the Government, and he supported it merely because he could not get a better. He regretted exceedingly, that Government had departed from their original proposal of a *5l.* qualification. He had often been obliged to accuse the enemies of Ireland of injustice; but now he felt more inclined to say, heaven protect her from her friends. The people of that country were every day more alive to their rights and better able to maintain them. They had set an example of religious fidelity to every other nation. In spite of persecution, they had had the firmness and integrity to abide by what they believed to be the true religion; those who thought otherwise, ought to remember, that an error in faith was no disparagement of virtue in practice. In no other country in Europe were the duties of religion more attended to, and there were more weekly communicants in Ireland, than in any other country on the face of the earth. This religious feeling, instead of diminishing, was augmenting. He would put it to the House, whether they ought to tamper with the feelings of such a people, of whom upwards of five millions had pledged themselves never to taste the cup of intoxication. If they wished to further the repeal of the union, they could not do so more effectually than by refusing to conciliate the people of Ireland. If, however, they insisted on the continuance of that union, let them establish an equality between the two countries. Do not allow Ireland to have only 4,000 electors out of a population of upwards of a million, and England to have 5,000 of electors in a population of only 95,000. By voting for the Government bill, they would take the first step, small as it was, to remedy the evil, by abolishing such differences between the constituencies of the two countries. There was another advantage attending the measure; it might be indiscreet in him to avow it. If rating was made the test of the franchise in Ireland, he had no doubt it would soon become the universal mode of ascertaining the qualification. Independently of this, however, he thought the bill would do much good for Ireland. It would get rid of all the charges of perjury which had been brought against the people of Ireland, by destroying all temptation to false swearing by either party. He should, for many reasons, vote for the Government proposition. If for nothing else, he should do so in order that the real question between the two parties might be decided; namely, whether the Government principle should be adopted or not. One word as to the extension of the right of voting to tenants-at-will. If made sufficiently extensive, so as to exclude the dictation of landlords, he would have no objection to the franchise being conferred on them. It was because the present motion was not extensive enough that he objected to it; it would leave the tenant at the mercy of his landlord, from whose tyranny he could never be protected, except by a widely-extended suffrage, or

vote by ballot, neither of which the House of Commons, at the present moment, were inclined to give. He could vote conscientiously for the Government bill, because he knew, that they were making a struggle in the right cause. If they should fail, it would not be their fault; their doing so, through the influence of party would only give an additional incitement to the people of Ireland to join in an universal struggle, in order to obtain justice for themselves.

The Committee divided on the question that the blank be filled up with the word fourteen:—Ayes 513; Noes 47; Majority 466.

List of the AYES.

Abercromby, hn. G. R.
Adam, Admiral
Adare, Viscount
Alexander, N.
Alford, Viscount
Alston, R.
Andover, Viscount
Anson, hon. Colonel
Anson, Sir G.
Antrobus, E.
Archbold, R.
Armstrong, A.
Ashley, Lord
Attwood, W.
Attwood, M.
Bagot, hon. W.
Bailey, J. jun.
Baillie, Colonel
Baillie, H. J.
Bainbridge, E. T.
Baines, E.
Baker, E.
Baldwin, C. B.
Baring, rt. hon. F. T.
Baring, H. B.
Baring, hon. W. B.
Barnard, E. G.
Barneby, J.
Barrington, Viscount
Barron, H. W.
Barry, G. S.
Basset, J.
Bateson, Sir R.
Bell, M.
Bentinck, Lord G.
Berkeley, hon. H.
Berkeley, hon. G.
Bethell, R.
Bewes, T.
Blackburne, I.
Blackett, C.
Blair, J.
Blake, W. J.
Blake, M.
Blakemore, R.
Blennerhassett, A.
Blewitt, R. J.
Bodkin, J. J.
Boldero, H. G.
Bolling, W.
Botfield, B.
Bowes, J.
Brabazon, Lord
Bramston T. W.
Bridgeman, H.
Briscoe, J. I.
Broadley, H.
Broadwood, H.
Brocklehurst, J.
Brodie, W. B.
Brooke, Sir A. B.
Brotherton, J.
Browne, R. D.
Brownrigg, S.
Bruce, C. L. C.
Bruen, Colonel
Bruges, W. H. L.
Bryan, G.
Buck, L. W.
Buller, E.
Buller, Sir J. Y.
Bulwer, Sir L.
Burr, H.
Burroughs, H. N.
Busfeild, W.
Butler, hon. Colonel
Byng, G.
Calcraft, J. H.
Campbell, Sir H.
Campbell, Sir J.
Campbell, W. F.
Canning, rt. hn. Sir S.
Cantilupe, Viscount
Carew, hon. R. S.
Cavendish, hon. C.
Cayley, E. S.
Chalmers, P.
Chapman, A.
Chetwynd, Major
Chichester, Sir. B.
Childers, J. W
Cholmondeley, hn. H.
Christopher, R. A.
Chute, W. L. W.
Clay, W.
Clayton, Sir W. R.
Clements, Viscount
Clements, H. J.
Clerk, Sir G.
Clive, hon. R. H.
Clive, E. B.
Cochrane, Sir T. J.
Codrington, C. W.
Cole, hon. A. H.
Collier, J.
Colquhoun, Sir J.
Compton, H. C.
Conolly, E.
Coote, Sir C. H.
Copeland, Mr. Ald.
Corbally, M. E.
Courtenay, P.
Cowper, hon. W. F.
Craig, W. G.
Crawford, W.
Cresswell, C.
Crewe, Sir G.
Cripps, J.
Crompton, Sir S.
Currie, R.
Dalmeny, Lord
Dalrymple, Sir A.
Damer, hon. D.
Darby, G.
Darlington, Earl of
D'Eyncourt, rt. h. C.T.
De Horsey, S. H.
Dick, Quintin
Divett, E.
Dottin, A. R.
Douglas, Sir C. E.
Dowdeswell, W.
Drummond, H. H.
Duff, J.
Duffield, T.
Dugdale, W. S.
Dunbar, G.
Duncan, Viscount
Duncombe, hon. W.
Duncombe, hon. A.
Dundas, F.
Dundas, D.
Dungannon, Viscount
Du Pre, G.
East, J. B.
Easthope, J.
Eastnor, Viscount
Eaton, R. J.
Edwards, Sir J.
Egerton, W. T.
Egerton, Sir P.
Eliot, Lord
Elliot, hon. J. E.
Ellice, Captain A.
Ellis, J.
Ellis, W.
Estcourt, T.
Euston, Earl of
Evans, G.
Evans, W.
Ewart, W.
Farnham, E. B.
Farrand, R.
Fazakerley, J. N.
Fielden, W.
Fellowes, E.
Ferguson, Sir R.
Ferguson, Colonel
Filmer, Sir E.
Fitzalan, Lord
Fitzpatrick, J. W.
Fitzwilliam, hn. G. W.
Fleetwood, Sir P. H.
Fleming, J.
Follett, Sir W.
Fort, J.
Fortescue, T.
Fremantle, Sir T.
French, F.
Freshfield, J. W.
Gaskell, J. Milnes
Gladstone, J. H.
Gladstone, W. E.
Glynne, Sir S. R.
Godson, R.
Gordon, R.
Gordon, hon. Captain
Gore, O. J. R.
Gore, O. W.
Goring, H. D.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Grant, Sir A. C.
Greene, T.
Greenaway, C.
Greg, R. H.
Greig, D.
Grey, rt. hon. Sir C.
Grey, rt. hon. Sir G.
Grimsditch, T.
Grimston, Viscount
Grosvenor, Lord R.
Grote, G.
Guest, Sir J.
Hale, R. B.
Halford, H.
Hall, Sir B.
Hamilton, C. J. B.
Hamilton, Lord C.
Handley, H.
Harcourt, G. G.
Harcourt, G. S.
Hardinge, right. hon. Sir H.
Harland, W. C.
Hawkes, T.
Hawkins, J. H.
Hayes, Sir E.
Hayter, W. G.
Heathcoat, J.
Heathcote, Sir W.
Heathcote, G. J.
Hector, C. J.
Heneage, E.
Heneage, G. W.
Henniker, Lord

Hepburn, Sir T. B.
Herbert, hon. S.
Heron, Sir R.
Herries, rt. hon. J. C.
Hill, Sir R.
Hillsborough, Earl of
Hinde, J. H.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, hn. W. A'C.
Holmes, W.
Hope, hon. C.
Hope, H. T.
Hope, G. W.
Horsman, E.
Hotham, Lord
Houldsworth, T.
Houston, G.
Howard, hn. E. G. G.
Howard, F. J.
Howard, P. H.
Howard, Sir R.
Howard, hn. C. W. G.
Hughes, W. B.
Humphrey, J.
Hurst, R. H.
Hurt, F.
Hutchins, E. J.
Hutt, W.
Hutton, R.
Ingham, R.
Inglis, Sir R. H.
Irton, S.
Irving, J.
Jackson, Mr. Serjeant
James, Sir W. C.
James, W.
Jenkins, Sir R.
Jermyn, Earl
Jervis, J.
Johnstone, H.
Jones, J.
Jones, Captain
Kelly, F.
Kemble, H.
Kerrison, Sir E.
Kelburne, Viscount
Kirk, P.
Knatchbull, right hon. Sir E.
Knight, H. G.
Knightley, Sir C.
Labouchere, rt. hn. H.
Lambton, H.
Langdale, hon. C.
Lascelles, hon. W. S.
Law, hon. C. E.
Lefroy, rt. hon. T.
Lemon, Sir C.
Lennox, Lord A.
Lincoln, Earl of
Lister, E. C.
Listowel, Earl of
Litton, E.
Loch, J.
Lockhart, A. M.
Long, W.
Lowther, hon. Colonel
Lowther, Viscount
Lowther, J. H.
Lucas, E.
Lushington, rt. hn. S.
Lygon, hon. General
Lynch, A. H.
Macaulay, rt. hn T. B.
Mackenzie, W. F.
Mackinnon, W. A.
Maclean, D.
Macnamara, Major
M'Taggart, J.
Mahon, Viscount
Marshall, W.
Marsland, T.
Martin, J.
Martin, T. B.
Marton, G.
Master, T. W. C.
Maule, hon. F.
Maunsell, T. P.
Melgund, Viscount
Meynell, Captain
Mildmay, P. St. John
Miles, P. W. S.
Miller, W. H.
Milnes, R. M
Milton, Viscount
Monypenny, T. G.
Mordaunt, Sir J.
Morgan, C. M.
Morgan, O.
Morpeth, Viscount
Morris, D.
Morrison, J.
Muntz, G. F.
Murray, A.
Muskett, G. A.
Nagle, Sir R.
Neeld, J.
Neeld, J.
Nicholl, J.
Noel, hon. C. G.
Norreys, Lord
Norreys, Sir D. J.
Northland, Lord
O'Brien, C.
O'Connell, D.
O'Connell, J.
O'Connell, M.
O'Conor Don
O'Ferrall, R. M.
Ord, W.
Ossulston, Lord
Owen, Sir J.
Packe, C. W.
Paget, Lord A.
Pakington, J. S.
Palmer, C. F.
Palmer, R.
Palmer, G.
Palmerston, Viscount
Parker, M.
Parker, R. T.
Parker, T. A. W.
Parnell, rt. hn. Sir H.
Patten, J. W.
Pechell, Captain
Peel, rt. hon. Sir R.
Pemberton, T.
Pendarves, E. W. W.
Percival, Colonel
Phillips, Sir R.
Philips, M.
Philips, G. R.
Phillpotts, J.
Pigot, rt. hon. D.
Pigot, R.
Planta, right hon. J.
Plumptre, J. P.
Polhill, F.
Pollen, Sir J. W.
Pollock, Sir F.
Ponsonby, C. F. A. C.
Ponsonby, hon. J.
Power, J.
Powerscourt, Visct.
Praed, W. T.
Price, Sir R.
Pringle, A.
Protheroe, E.
Pryme, G.
Pryse, P.
Pusey, P.
Rae, rt. hon. Sir W.
Ramsbottom, J.
Redington, T. N.
Reid, Sir J. R.
Rice E. R.
Rich, H.
Richards, R.
Rickford, W.
Rolleston, L.
Rose, rt. hon. Sir G.
Round, C. G.
Round, J.
Rumbold, C. E.
Rundle, J.
Rushbrooke, Colonel
Rushout, G.
Russell, Lord J.
Russell, Lord C.
Rutherfurd, rt. hn. A.
Sanderson, R.
Sandon, Viscount
Scarlett, hon. J. Y.
Scrope, G. P.
Seale, Sir J. H.
Seymour, Lord
Shaw, rt. hon. F.
Sheil, rt. hon. R. L.
Sheppard, T.
Shirley, E. J.
Sibthorp, Colonel
Slaney, R. A.
Smith, J. A.
Smith, G. R.
Smith, R. V.
Smyth, Sir G. H.
Smythe, hon. G.
Somers, J. P.
Somerset, Lord G.
Sotheron, T. E.
Spry, Sir S. T.
Standish, C.
Stanley, hon. E. J.
Stanley, E.
Stanley, Lord
Stanley, M.
Stansfield, W. R. C.
Staunton, Sir G. T.
Steuart, R.
Stewart, J.
Stewart, J.
Stuart, Lord J.
Stuart, W. V.
Stock, Mr. Serjeant
Strickland, Sir G.
Strutt, E.
Sturt, H. C.
Style, Sir C.
Sugden, rt. hn. Sir E.
Surrey, Earl of
Talbot, J. H.
Talfourd, Mr. Serjt.
Tancred, H. W.
Tavistock, Marq. of
Teignmouth, Lord
Tennent, J. E.
Thesiger, F.
Thomas, Colonel H.
Thompson, Alderman
Thornely, T.
Thornhill, G.
Tomline, G.
Trench, Sir F.
Trevor, hon. G. R.
Trotter, J.
Troubridge, Sir E. T.
Tyrell, Sir J. T.
Vere, Sir C. B.
Verner, Colonel
Verney, Sir H.
Villiers, hon. C. P.
Villiers, Viscount
Vivian, Major C.
Vivian, J. H.
Vivian, J. E.
Vivian, rt. hn. Sir R. H.
Waddington, H. S.
Walker, R.
Wall, C. B.
Walsh, Sir J.
Warburton, H.
Ward, H. G.
Welby, G. E.
Wemyss, Captain
Westenra, hon. H. R.
Westenra, hon. J. C.
White, A.
White, H.
White, L.
Whitmore, T. C.
Wilbraham, G.
Wilbraham, hon. B
Wilde, Sir T.

Williams, R.
Williams, T. P.
Williams, W.
Wilmot, Sir J. E.
Wilshere, W.
Winnington, Sir T. E.
Winnington, H. J.
Wood, Sir M.
Wood, Colonel
Wood, G. W.
Wood, Colonel T.
Wood, B.
Worsley, Lord
Wrightson, W. B.
Wyndham, W.
Wynn, rt. hn. C. W.
Wyse, T.
Yates, J. A.
Yorke, hon. E. T.
Young, J.
Young, Sir W.

TELLERS.

Parker, J.
Tufnell, H.

List of the NOES.

Acheson, Viscount
Aglionby, H. A.
Ainsworth, P,
Beamish, F. B.
Bellew, R. M.
Blake, M. J.
Buller, C.
Callaghan, D.
Collins, W.
Dashwood, G. H.
D'Israeli, B.
Duke, Sir J.
Dundas, C. W. D.
Dundas, hon. J. C.
Ellice, E.
Evans, Sir De L.
Fielden, J.
Fenton, J.
Fitzroy, Lord C.
Gillon, W. D.
Gisborne, T.
Grattan, H.
Hill, Lord A. M. G.
Hindley, C.
Howick, Viscount
Jervis, S.
Johnson, General
Leader, J. T.
Marsland, H.
Moreton, hon. A. H.
O'Brien, W. S.
O'Callaghan, hon. C.
Paget, F.
Pease, J.
Pinney, W.
Rawdon, Col. J. D.
Rippon, C.
Roche, E. B.
Roche, W.
Salwey, Colonel
Scholefield, J.
Sinclair, Sir G.
Tollemache, F. J.
Wakley, T.
Wallace, R.
White, S.
Wood, C.

TELLERS.

Hume, J.
Hawes, B.

On the question that the second blank be filled up with the word "eight," signifying the amount to which a person must be rated,

Mr. *Hume* observing that, as it seemed the wish of the whole House, according to the statement of Members on all sides, to give relief to Ireland; and as that relief would be greater if *5l.* were inserted in the clause instead of *8l.*, he would move as an amendment, that *5l.* be substituted for *8l.* He was, however, desirous to hear the reason of the noble Lord for abandoning his original intention regarding the franchise.

Viscount *Morpeth* would give a plain, straightforward answer to the inquiry. He had made the change from *5l.* to *8l.*, because he thought that he should thereby unite more of those who might be fairly looked upon as the general well-wishers to Ireland. He saw nothing to be ashamed of in this honest endeavour to promote conciliation.

Mr. *O'Connell* remarked that Ireland was placed in this predicament—that the change from *5l.* to *8l.* had not been produced by pressure of the opposition, but in order to conciliate the Friends of Ireland. This was only inflicting an additional insult upon Ireland, who had not so much reason to complain of her enemies as of her friends.

Mr. *Slaney* wished to address the House, but was prevented by cries of "question," and "divide."

The Committee divided on the question that the blank be filled with the word "eight": Ayes 434; Noes 126; Majority 308.

List of the AYES.

Abercromby, hn. G. R.
Acheson, Viscount
A'Court, Captain
Adam, Admiral
Adare, Viscount
Alexander, N.
Alford, Viscount
Alston, R.
Andover, Viscount
Anson, hon. Colonel
Anson, Sir G.
Antrobus, E.
Arbuthnott, hon. H.
Archbold, R.
Archdall, M.
Ashley, Lord
Attwood, W.
Attwood, M.
Bailey, J. jun.
Baillie, Col.
Baillie, H. J.
Bainbridge, E. T.
Baker, E.
Baldwin, C. B.
Baring, rt. hon. F. T.
Baring, hon. F.
Baring, H. B.
Baring, hon. W. B.
Barnard, E. G.
Barneby, J.
Barrington, Viscount
Barron, H. W.
Bateson, Sir R.
Bell, M.
Bellew, R. M.
Bentinck, Lord G.
Berkeley, hon. G.
Bethell, R.
Bewes, T.
Blackburne, I.
Blackett, C.
Blackstone, W. S.
Blair, J.
Blake, W. J.
Blennerhassett, A.
Boldero, H. G.
Bolling, W.
Botfield, B.
Bowes, J.
Bradshaw, J.
Bramston, T. W.
Briscoe, J. I.
Broadley, H.
Broadwood, H.
Brocklehurst, J.
Brodie, W. B.
Brooke, Sir A. B.
Brownrigg, S.
Bruce, Lord E.
Bruce, C. L. C.
Bruen, Colonel
Bruges, W. H. L.
Bryan, G.
Buck, L. W.
Buller, C.
Buller, E.
Buller, Sir J. Y.
Burr, H.
Burroughes, H. N.
Byng, G.
Calcraft, J. H.
Campbell, Sir H.
Campbell, Sir J.
Campbell, W. F.
Canning, rt. hn. Sir S.
Cantilupe, Viscount
Castlereagh, Viscount
Cavendish, hon. C.
Cayley, E. S.
Chalmers, P.
Chetwynd, Major
Chichester, Sir B.
Cholmondeley, hn. H.
Christopher, R. A.
Chute, W. L. W.
Clay, W.
Clayton, Sir W. R.
Clements, Viscount
Clements, H. J.
Clerk, Sir G.
Clive, E. B.
Clive, hon. R. H.
Cochrane, Sir T. J.
Codrington, C. W

Cole, hon. A. H.
Colquhoun, Sir J.
Compton, H. C.
Conolly, E.
Coote, Sir C. H.
Copeland, Alderman
Courtenay, P.
Cowper, hon. W. F.
Craig, W. G.
Crawford, W.
Creswell, C.
Crewe, Sir G.
Cripps, J.
Crompton, Sir S.
Dalmeny, Lord
Dalrymple, Sir A.
Damer, hon. D.
Darby, G.
Darlington, Earl of
De Horsey, S. H.
Dick, Q.
Dottin, A. R.
Douglas, Sir C. E.
Douro, Marquess of
Dowdeswell, W.
Drummond, H. H.
Duff, J.
Duffield, T.
Dugdale, W. S.
Dunbar, G.
Duncombe, hon. W.
Duncombe, hon. A.
Dundas, F.
Dungannon, Viscount
Du Pre, G.
East, J. B.
Easthope, J.
Eastnor, Viscount
Eaton, R. J.
Edwards, Sir J.
Egerton, W. T.
Egerton, Sir P.
Eliot, Lord
Ellis, J.
Erle, W.
Estcourt, T.
Euston, Earl of
Evans, W.
Farnham, E. B.
Fazakerley, J. N.
Fielden, W.
Fector, J. M.
Fellowes, E.
Ferguson, Sir R. A.
Filmer, Sir E.
Fitzalan, Lord
Fitzpatrick, J. W.
Fitzroy, Lord C.
Fitzwilliam, hn. G. W.
Fleming, J.
Follett, Sir W.
Fort, J.
Fortescue, T.
Fox, S. L.
Fremantle, Sir T.
French, F.
Freshfield, J. W.
Gaskell, J. Milnes
Gladstone, J. N.
Gladstone, W. E.
Glynn, Sir S. R.
Godson, R.
Gordon, hon. Captain
Gore, O. J. R.
Gore, O. W.
Goring, H. D.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Granby, Marquess of
Grant, Sir A. C.
Greene, T.
Greenaway, C.
Greg, R. H.
Greig, D.
Grey, rt. hon. Sir C.
Grey, rt. hon. Sir G.
Grimsditch, T.
Grimston, Viscount
Hale, R. B.
Halford, H.
Hamilton, C. J. B.
Harcourt, G. G.
Harcourt, G. S.
Hardinge, rt. hn. Sir H.
Harland, W. C.
Hawkes, T.
Hawkins, J. H.
Hayes, Sir E.
Hayter, W. G.
Heathcoat, J.
Heathcote, Sir W.
Heathcote, G. J.
Heneage, G. W.
Heneage, E.
Henniker, Lord
Hepburn, Sir T. B.
Herbert, hon. S.
Herries, rt. hn. J. C.
Hill, Sir R.
Hillsborough, Earl of
Hinde, J. H.
Hobhouse, right hon. Sir J.
Hobhouse, T. B.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, hon. W. A.
Holmes, W.
Hope, hon. C.
Hope, H. T.
Hope, G. W.
Hotham, Lord
Houldsworth, T.
Houstoun, G.
Howard, hon. E.G.G.
Howard, P. H.
Howard, Sir R.
Hughes, W. B.
Humphrey, J.
Hurst, R. H.
Hurt, F.
Hutt, W.
Ingestre, Viscount
Ingham, R.
Inglis, Sir R. H.
Irton, S.
Jackson, Mr. Sergeant
James, W.
James, Sir W. C.
Jermyn, Earl
Johnstone, H.
Jones, J.
Jones, Captain
Kelly, F.
Kemble, H.
Kerrison, Sir E.
Kelburne, Viscount
Kirk, P.
Knatchbull, rt. hon. Sir E.
Knight, H. G.
Labouchere, rt. hn. H.
Lambton, H.
Lascelles, hon. W. S.
Law, hon. C. E.
Lefroy, right hon. T.
Lemon, Sir C.
Lennox, Lord A.
Lincoln, Earl of
Listowel, Earl of
Litton, E.
Loch, J.
Lockhart, A. M.
Long, W.
Lowther, hon. Col.
Lowther, Viscount
Lowther, J. H.
Lucas, E.
Lygon, hon. General
Macaulay, rt. hn. T.B.
Mackeuzie, W. F.
Mackinnon, W. A.
Maclean, D.
Mahon, Viscount
Marshall, W.
Marsland, T.
Marton, G.
Master, T. W. C.
Mathew, G. B.
Maule, hon. F.
Maunsell, T. P.
Melgund, Viscount
Meynell, Captain
Mildmay, P. St. J.
Miles, P. W. S.
Miller, W. H.
Milnes, R. M.
Monypenny, T. G.
Mordaunt, Sir J.
Moreton, hon. A. H.
Morgan, C. M. R.
Morgan, O.
Morpeth, Viscount
Morris, D.
Morrison, J.
Neeld, J.
Neeld, J.
Nicholl, J.
Noel. hon. C. G.
Norreys, Lord
Norreys, Sir D. J.
Northland, Lord
O'Ferrall, R. M.
Ord, W.
Ossulston, Lord
Owen, Sir J.
Packe, C. W.
Paget, Lord A.
Pakington, J. S.
Palmer, C. F.
Palmer, R.
Palmer, G.
Palmerston, Viscount
Parker, J.
Parker, M.
Parker, R. T.
Parker, T. A. W.
Parnell, rt. hn. Sir H.
Patten, J. W.
Peel, rt. hn. Sir R.
Pemberton, T.
Pendarves, E. W. W.
Perceval, Colonel
Philipps, Sir R.
Philips, G. R.
Philpotts, J.
Pigot, rt. hon. D.
Pigot, R.
Pinney, W.
Planta, rt. hn. J.
Plumptre, J. P.
Polhill, F.
Pollen, Sir J. W.
Pollock, Sir F.
Ponsonby, C. F. A. C.
Powell, Colonel
Powerscourt, Viscount
Praed, W. T.
Price, R.
Pringle, A.
Pryme, G.
Pryse, P.
Pusey, P.
Rae, rt. hn. Sir W.
Ramsbottom, J.
Rawdon, Col. J. D.
Redington, T. N.
Reid, Sir J. R.
Rice, E. R.
Rich, H.
Richards, R.
Rickford, W.
Rolleston, L.
Rose, rt. hon. Sir G.
Round, C. G.
Round, J.
Rumbold, C. E.
Rushbrooke, Colonel
Rushout, G.
Russell, Lord J.
Russell, Lord C.
Rutherfurd, rt. hn. A
Sanderson, R.
Sandon, Viscount
Scarlett, hon. J. Y.
Seymour, Lord
Shaw, right hon. F.

Sheil, right hon. R. L.
Shirley, E. J.
Sibthorp, Colonel
Slaney, R. A.
Smith, A.
Smith, G. R.
Smith, R. V.
Smyth, Sir G. H.
Smythe, hon. G.
Somers, J. P.
Somerset, Lord G.
Sotheron, T. E.
Spry, Sir S. T.
Standish, C.
Stanley, hon. E. J.
Stanley, E.
Stanley, Lord
Stanley, M.
Staunton, Sir G. T.
Stewart, J.
Stuart, W. V.
Strangways, hon. J.
Strutt, E.
Sturt, H. C.
Style, Sir C.
Sugden, rt. hn. Sir E.
Surrey, Earl of
Talbot, C. R. M.
Talfourd, Mr. Serg.
Tavistock, Marq. of
Teignmouth, Lord
Tennent, J. E.
Thesiger, F.
Thomas, Col. H.
Thompson, Mr. Ald.
Thornhill, G.
Tollemache, F. J.
Tomline, G.
Trevor, hon. G. R.
Trotter, J.
Troubridge, Sir E. T.
Tyrell, Sir J. T.
Vere, Sir C. B.
Verner, Colonel
Verney, Sir H.
Villiers, Viscount
Vivian, J. H.
Vivian, rt. hn. Sir H.
Waddington, H. S.
Walker, R.
Walsh, Sir J.
Welby, G. E.
Wemyss, Captain
Westenra, hon. H. R.
Whitmore, T. C.
Wilbraham, G.
Wilbraham, hon. B.
Wilde, Sir T.
Williams, R.
Williams, T. P.
Wilmot, Sir J. E.
Winnington, Sir T. E.
Winnington, H. J.
Wood, Colonel
Wood, G. W.
Wood, Colonel T.
Wrightson, W. B.
Wyndham, W.
Wynn, rt. hn. C. W.
Wyse, T.
Yorke, hon. E. T.
Young, J.
Young, Sir W.

TELLERS.

Horsman, E.
Tufnell, H.

List of the NOES.

Aglionby, H. A.
Armstrong, A.
Baines, E.
Bannerman, A.
Barry, G. S.
Beamish, F. B.
Blake, M. J.
Blake, M.
Blewitt, R. J.
Bodkin, J. J.
Bridgeman, H.
Brotherton, J.
Browne, R. D.
Busfield, W.
Butler, hon. Colonel
Callaghan, D.
Carew, hon. R. S.
Childers, J. W.
Collins, W.
Corbally, M. E.
Currie, R.
Dashwood, G. H.
Dennistoun, J.
D'Eyncourt, rt. hn. C. T.
D'Israeli, B.
Divett, E.
Duke, Sir J.
Duncan, Viscount
Duncombe, T.
Dundas, C. W. D.
Dundas, hon. J. C.
Dundas, D.
Elliot, hon. J. E.
Ellice, Captain A.
Ellice, E.
Ellis, W.
Evans, Sir D. L.
Evans, G.
Ewart, W.
Fielden, J.
Fenton, J.
Ferguson, Colonel
Fleetwood, Sir P. H.
Gillon, W. D.
Gisborne, T.
Grattan, H.
Grote, G.
Hall, Sir B.
Handley, H.
Hastie, A.
Hawes, B.
Heron, Sir R.
Hill, Lord A. M. C.
Hindley, C.
Hodges, T. L.
Howard, F. J.
Howard, hon. C.W.G.
Hutchins, E. J.
Hutton, R.
Jervis, J.
Johnson, General
Langdale, hon. C.
Leader, J. T.
Lister, E. C.
Lushington, C.
Lushington, rt. hn. S.
Lynch, A. H.
Macnamara, Major
Marsland, H.
Martin, J.
Martin, T. B.
Milton, Viscount
Molesworth, Sir W.
Muntz, G. F.
Murray, A.
Muskett, G. A.
Nagle, Sir R.
O'Brien, C.
O'Brien, W. S.
O'Callaghan, hon. C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Conor Don
Oswald, J.
Paget, F.
Pattison, J.
Pease, J.
Pechell, Captain
Philips, M.
Ponsonby, hon. J.
Power, J.
Protheroe, E.
Rippon, C.
Roche, E. B.
Roche, W.
Rundle, J.
Salwey, Colonel
Scholefield, J.
Seale, Sir J. H.
Smith, J. A.
Smith, B.
Stansfield, W. R. C.
Steuart, R.
Stewart, J.
Stuart, Lord J.
Stock, Mr. Serg.
Strickland, Sir G.
Talbot, J. H.
Tancred, H. W.
Thornely, T.
Villiers, hon. C. P.
Vivian, Major C.
Wakley, T.
Wallace, R.
Warburton, H.
Ward, H. G.
Westenra, hon. J. C.
White, A.
White, S.
Williams, W.
Wilshere, W.
Wood, B.
Worsley, Lord
Yates, J. A.

TELLERS.

Hector, C. J.
Hume, J.

On the question that the clause, as amended, stand part of the bill,

Mr. *Brotherton* moved that the Chairman report progress.

Lord *John Russell* thought, that as they had debated the clause thus far, it would be better to divide.

Mr. *O'Connell* thought, that the very reason assigned by the noble Lord for proceeding to a division, ought to be a reason for adjourning, namely, that they had been discussing the clause the whole night, and had now arrived at twelve o'clock. He would not be taunted with moving an adjournment at this hour, on the bill of the noble Lord opposite (Stanley), and not moving it against that of the Government.

The Committee divided on the question that the Chairman report progress: Ayes 98; Noes 428; Majority 330.

List of the AYES.

Acheson, Viscount
Aglionby, H. A.
Baines, E.
Beamish, F. B.
Bellew, R. M.
Blackett, C.
Blake, M.
Bodkin, J J.

Bowes, J.
Bridgeman, H.
Browne, R. D.
Bryan, G.
Buller, E.
Busfield, W.
Butler, hon. Colonel
Callaghan, D.
Chalmers, P.
Clements, Viscount
Collins, W.
Corbally, M. E.
Craig, W. G.
Dennistoun, J.
D'Eyncourt, right hon. C. T.
Duncan, Viscount
Duncombe, T.
Easthope, J.
Edwards, Sir J.
Ellice, Captain Alex.
Ellice, E.
Ellis, W.
Evans, Sir De L.
Evans, G.
Evans, W.
Ewart, W.
Fielden, J.
Fenton, J.
Ferguson, Colonel
Gillon, W. D.
Gisborne, T.
Greig, D.
Grey, rt. hon. Sir C.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hector, C. J.
Hill, Lord A. M. C.
Hodges, T. L.
Howard, F. J.
Hume, J.
Hutchins, E. J.
Hutton, R.
Jervis, J.
Johnson, General
Langdale, hon. C.
Lushington, C.
Lushington, rt. hon. S.
Lynch, A. H.
Marsland, H.
Mildmay, P. St. J.
Murray, Alex.
Nagle, Sir R.
O'Connell, Dan.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
Ord, W.
Oswald, J.
Pease, J.
Philips, M.
Phillpotts, J.
Power, J.
Protheroe, E.
Redington, T.
Rippon, C.
Roche, E. B.
Salwey, Colonel
Smith, J. A.
Smith, B.
Steuart, R.
Strutt, E.
Talbot, C. R. M.
Talbot, J. H.
Thornely, T.
Villiers, hon. C. P.
Vivian, Major C.
Wakley, T.
Walker, R.
Wallace, R.
Ward, H. G.
Westenra, hon. J. C.
White, A.
White, S.
Wilbraham, G.
Williams, W.
Wood, G. W.
Worsley, Lord
Yates, J. A.

TELLERS.

Brotherton, J.
Hindley, C.

List of the Noes.

Abercromby, hn. G. R.
Acland, Sir T. D.
A'Court, Captain
Adam, Admiral
Adare, Viscount
Ainsworth, P.
Alexander, N.
Alford, Viscount
Alston, R.
Anson, hon. Colonel
Anson, Sir G.
Antrobus, E.
Arbuthnott, hon. H.
Archbold, R.
Archdall, M.
Armstrong, A.
Ashley, Lord
Attwood, W.
Attwood, M.
Bagot, hon. W.
Bailey, J. jun.
Baillie, Colonel
Baillie, H. J.
Bainbridge, E. T.
Baker, E.
Baldwin, C. B.
Bannerman, A.
Baring, rt. hon. F. T.
Baring, hon. F.
Baring, H. B.
Baring, hon. W. B.
Barnard, E. G.
Barneby, J.
Barrington, Viscount
Barron, H. W.
Bateson, Sir R.
Bell, M.
Bentinck, Lord G.
Bethell, R.
Blackburne, I.
Blackstone, W. S.
Blake, M. J.
Blake, W. J.
Blakemore, R.
Blennerhassett, A.
Blewitt, R. J.
Boldero, H. G.
Bolling, W.
Botfield, B.
Bradshaw, J.
Bramston, T. W.
Briscoe, J. I.
Broadley, H.
Broadwood, H.
Brocklehurst, J.
Brodie, W. B.
Brooke, Sir A. B.
Brownrigg, S.
Bruce, Lord E.
Bruce, C. L. C.
Bruen, Colonel
Bruges, W. H. L.
Buck. L. W.
Buller, Sir J. Y.
Burr, H.
Burroughes, H. N.
Byng, G.
Calcraft, J. H.
Campbell, Sir H.
Campbell, Sir J.
Canning, rt. hn. Sir S.
Carew, hon. R. S.
Castlereagh, Viscount
Cavendish, hon. C.
Chetwynd Major
Chichester, Sir B.
Childers, J. W.
Cholmondeley, hn. H.
Christopher, R. H.
Chute, W. L. W.
Clay, W.
Clayton, Sir W. R.
Clements, H. J.
Clerk, Sir G.
Clive, E. B.
Clive, hon. R. H.
Cochrane, Sir T. J.
Cole, hon. A. H.
Colquhoun, Sir J.
Compton, H. C.
Conolly, E.
Cooper, E. J.
Copeland, Alderman
Courtenay, P.
Cowper, hon. W. F.
Cresswell, C.
Crewe, Sir G.
Cripps, J.
Dalmeny, Lord
Dalrymple, Sir A.
Darby, G.
Darlington, Earl of
Dashwood, G. H.
De Horsey, S. H.
Dick, Q.
D'Israeli, B.
Divett, E.
Dottin, A. R.
Douglas, Sir C. E.
Douro, Marquess of
Dowdeswell, W.
Drummond, H. H.
Duffield, T.
Dugdale, W. S.
Duke, Sir J.
Dunbar, G.
Duncombe, hon. W.
Duncombe, hon. A.
Dundas, F.
Dundas, D.
Dungannon, Viscount
Du Pre, G.
East, J. B.
Eastnor, Viscount
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Eliot, Lord
Elliot, hon. J. E.
Ellice, rt. hon. E.
Ellis, J.
Erle, W.
Estcourt, T.
Euston, Earl of
Farnham, E. B.
Feilden, W.
Fector, J. M.
Fellowes, E.
Filmer, Sir E.
Fitzalan, Lord
Fitzpatrick, J. W.
Fitzroy, Lord C.
Fitzwilliam, hn. G. W.
Fleetwood, Sir P. H.
Fleming, J.
Follett, Sir W.
Fort, J.
Fortescue, T.
Fox, S. L.
Freemantle, Sir T.
French, F.
Freshfield, J. W.
Gaskell, J. Milnes
Gladstone, J. N.
Gladstone, W. E.
Glynne, Sir S. R.
Godson, R.
Gordon, R.
Gordon, hon. Capt.
Gore, O. J. R.
Gore, O. W.
Goring, H. D.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Granby, Marquess of
Grant, Sir A. C.
Grattan, H.
Greene, T.
Greenaway, C.
Greg, R. H.

Grey, rt. hon. Sir G.
Grimsditch, T.
Grimston, Viscount
Grote, G.
Hale, R. B.
Halford, H.
Hall, Sir B.
Hamilton, C. J. B.
Hamilton, Lord C.
Handley, H.
Harcourt, G. G.
Harcourt, G. S.
Hardinge, rt. hn. Sir H.
Harland, W. C.
Hayes, Sir E.
Hayter, W. G.
Heathcoat, J.
Heathcote, Sir W.
Heathcote, G. J.
Heneage, E.
Heneage, G. W.
Henniker, Lord
Hepburn, Sir T. B.
Herbert, hon. S.
Heron, Sir R.
Herries, rt. hon. J. C.
Hill, Sir R.
Hillsborough, Earl of
Hinde, J. H.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, hon. W. A'C.
Holmes, W.
Hope, hon. C.
Hope, H. T.
Hope, G. W.
Hotham, Lord
Houldsworth, T.
Houstoun, G.
Howard, hon. E. G. G.
Howard, P. H.
Howard, hn. C. W. G.
Hughes, W. B.
Hurt, F.
Ingestre, Viscount
Ingham, R.
Inglis, Sir R. H.
Irton, S.
Jackson, Mr. Sergeant
James, W.
Jermyn, Earl
Johnstone, H.
Jones, J.
Jones, Captain
Kelly, F.
Kemble, H.
Kerrison, Sir E.
Kelburne, Viscount
Kirk, P.
Knatchbull, rt. hn. Sir E.
Knight, H. G.
Labouchere, rt. hon. H.
Lascelles, hon. W. S.
Law, hon. C. E.
Lefroy, rt. hon. T.
Lemon, Sir C.
Lennox, Lord A.
Lincoln, Earl of
Lister, E. C.
Listowel, Earl of
Litton, E.
Loch, J.
Lockhart, A. M.
Long, W.
Lowther, hon. Colonel
Lowther, Viscount
Lowther, J. H.
Lucas, E.
Lygon, hon. Gen.
Macaulay, rt. hn. T. B.
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Maclean, Donald
Macnamara Major
Mahon, Viscount
Martin, J.
Marton, G.
Master, T. W. C.
Mathew, G. B.
Maunsell, T. P.
Melgund, Lord Visc.
Meynell, Captain
Miles, P. W. S.
Miller, W. H.
Milnes, R. M.
Milton, Viscount
Mordaunt, Sir J.
Moreton, hon. A. H.
Morgan, C. M.
Morgan, O.
Morpeth, Viscount
Morris, D.
Muntz, G. F.
Muskett, G. A.
Neeld, J.
Neeld, J.
Nicholl, J.
Noel, hon. C. G.
Norreys, Lord
Northland, Lord
O'Brien, C.
O'Brien, W. S.
O'Callaghan, hon. C.
O'Conor Don
O'Ferrall, R. M.
Ossulston, Lord
Owen, Sir J.
Packe, C. W.
Paget, Lord A.
Paget, F.
Pakington, J. S.
Palmer, C. F.
Palmer, R.
Palmer, G.
Palmerston, Viscount
Parker, J.
Parker, M.
Parker, R. T.
Parker, T. A. W.
Parnell, rt. hn. Sir H.
Patten, J. W.
Pattison, J.
Pechell, Captain
Peel, rt. hn. Sir R.
Pemberton, T.
Perceval, Colonel
Philips, G. R.
Pigot, rt. hon. D.
Pigot, R.
Pinney, W.
Planta, rt. hon. J.
Plumptre, J. P.
Polhill, F.
Pollen, Sir J. W.
Pollock, Sir F.
Ponsonby, C. F. A. C.
Powell, Colonel
Powerscourt, Visc.
Praed, W. T.
Price, Sir R.
Price, R.
Pringle, Alex.
Pryme, G.
Pusey, P.
Rae, rt. hn. Sir W.
Ramsbottom, J.
Rawdon, Colonel J. D.
Reid, Sir J. R.
Rice, E. R.
Richards, R.
Rickford, W.
Roche, W.
Rolleston, L.
Rose, rt. hon. Sir G.
Round, C. G.
Round, J.
Rumbold, C. E.
Rushbrooke, Colonel
Ruhout, G.
Russell, Lord J.
Russell, Lord C.
Rutherfurd, rt. hon. A.
Sanderson, R.
Sandon, Viscount
Scarlett, hon. J. Y.
Seale, Sir J. H.
Seymour, Lord
Shaw, rt. hon. F.
Sheil, right hon. R. L.
Shirley, E. J.
Sibthorp, Colonel
Slaney, R. A.
Smith, G. R.
Smith, R. V.
Smythe, hon. G.
Somerset, Lord G.
Spry, Sir S. T.
Standish, C.
Stanley, hon. E. J.
Stanley, E.
Stanley, Lord
Stanley, M.
Stansfield, W. R. C.
Staunton, Sir G. T.
Stewart, J.
Stuart, Lord J.
Stuart, W. V.
Stock, Mr. Sergeant
Strangways, hon. J.
Strickland, Sir G.
Sturt, H. C.
Style, Sir C.
Sugden, rt. hn. Sir E.
Surrey, Earl of
Talfourd, Mr. Serg.
Tancred, H. W.
Teignmouth, Lord
Tennent, J. E.
Thesiger, F.
Thomas, Colonel H.
Thompson, Alderman
Thornhill, G.
Tollemache, F. J.
Tomline, G.
Trevor, hon. G. R.
Trotter, J.
Troubridge, Sir E. T.
Tufnell, H.
Tyrell, Sir J. T.
Vere, Sir C. B.
Verner, Colonel
Verney, Sir H.
Villiers, Viscount
Vivian, J. H.
Vivian, J. E.
Vivian, rt. hn. Sir R. H.
Waddington, H. S.
Walsh, Sir J.
Warburton, H.
Welby, G. E.
Westenra, Hn. H. R.
Whitmore, T. C.
Wilbraham, hon. B.
Wilde, Sir T.
Williams, R.
Williams, T. P.
Wilmot, Sir J. E.
Wilshere, W.
Winnington, Sir T. E.
Winnington, H. J.
Wood, Colonel
Wood, Colonel T.
Wood B.
Wrightson, W. B.
Wyndham, W.
Wynn, rt. hn. C. W.
Wyse, T.
Yorke, hon. E. T.
Young, J.
Young, Sir W.

TELLERS.

Maule, hon. F.
Horsman, E.

Mr. *Hume* rose, and said it was highly important, when threats were held out on the other side that the bill should not be allowed to pass, that the House should know whether the noble Lord meant to go on with the bill? Was it not better at once to withdraw it, and put an end to the matter? When the hon. Baronet opposite had declared it to be his intention to vote against the clause, would the noble Lord say that he meant to proceed? To go to a vote on this clause at that hour of the morning appeared to him ridiculous.

Mr. *O'Connell* believed he was in order in proposing to move that the Chairman do leave the chair.

Mr. *Bernal* said the last question put was, that the Chairman do report progress and since then it had been moved, that the Chairman do leave the chair.

Mr. *O'Connell:* Then I will withdraw my motion. [*Cries of* "*No, no.*"]

Mr. *Bernal:* Is it the pleasure of the House that the motion be withdrawn. [*No, no.*]

Mr. *Hume* moved, that the Chairman do report progress, and ask leave to sit again on Monday.

Mr. *Bernal* repeated that the question was, that the motion of the hon. Member for Dublin be withdrawn.

Mr. *Wakley* said the House was placed in a very awkward predicament, by the peculiar course pursued by the Government with regard to this bill. If this bill were lost, then the House would have to entertain the bill of the noble Lord opposite. He had voted in the first instance for the *5l.* proposition. Then he was called on to vote for an *8l.* franchise; afterwards he was called on to vote against the *5l.*, and now again he was asked to support the *8l.* franchise in the clause now before the House. He must say, that he thought that himself and others had been placed in a situation of extreme difficulty by what might fairly be denominated the vacillating conduct of the Government. When a proposition of this nature was brought forward—one that affected the interests of the whole nation—and was made by the executive Government, it was to be presumed that every inquiry would have been made, and every material collected that could possibly illustrate the subject; and it was not fair in the Government either to the House or to their own supporters, to come down one day with one proposition, and another day with a totally different one, and yet at the same time to ask their supporters unhesitatingly to support both. Those persons who acted in political affairs without fixed principles, such persons might not feel that there was any difficulty in such conduct, they might think that there was in it nothing that presented any obstacle to the ordinary course of the human mind. But those who desired to act upon fixed principles in politics must feel themselves in an awkward position, in being called upon to act in such a manner. If the present motion were carried, there was an end of the bill. What would the Government do next? They would be obliged to allow the House to take into consideration the bill of the noble Lord the Member for North Lancashire. But if it should happen that the bill was carried, they would then be taunted by those who called themselves the friends of Ireland with being instrumental in causing the bill to be passed. He for one felt at a loss to comprehend the tactics of the noble Lord. Had he occupied a seat on the ministerial benches, and been placed in the situation in which Ministers had been placed that evening, he did not think that he could have appeared there as the noble Lord had appeared; he did not think that he could have had the courage to face that House, as the noble Lord had done that night. ["*Order.*"] He believed he was strictly in order. He repeated, that he could not have appeared there, as the noble Lord had done, and declared his determination to go on with a bill on the principle of which he had been defeated by the amendment of a former evening. The decision of the House on that amendment had been acknowledged to be a complete invasion and inversion of the principle of the bill, and he certainly had not expected to see the noble Lord come down afterwards with another proposition of a totally different nature, which he called upon them to support. He really did not see what course he could pursue with credit to himself, or with advantage to any parties connected with the measure. The first principle which they had been called upon to affirm was now abandoned. That being so, what was the loss that Ireland would sustain by the bill not being carried into a law, and what would be the reproach visited on those who declined to vote on the present motion? He was desirous of acting in a manner that would be free from reproach, and at the same time of acting honestly to Ireland. He wished to see a good constituency for Ireland. He was told that the constituency that would be created by this clause would not be a good constituency. But if they did not have that they must have a worse, and he was therefore disposed to choose the least of two evils. He would be very glad if the noble Lord would at once get up and state to the House what it was his fixed determination to do. If the noble Lord would get up and say he would adopt such and such a course, and that nothing should divert him from it, he would soon understand the minds of Members, and their attention would really be devoted to the consideration of the real subject under discussion. The noble Lord would then no longer deceive himself, or be deceived, nor would he continue to place his supporters in the awkward position in which they had been for some time past.

Lord *J. Russell* said—With respect to the conduct which the Government have thought fit to pursue, I am ready to answer for it. I do not know why the hon. Member attacks the Government. The hon. Member for Finsbury has stated, that one of the causes of the division of opinion that prevails in the House at the present moment is the course that has been taken by the Government. I don't well know what the hon. Member means. I do not think that if the Government adhered to the 5*l*. qualification, instead of altering it to 8*l*., there would be the least difference in the position of the Government, because really the question at present does not turn on a 5*l*. or an 8*l*. qualification, but upon the question whether or not the House is prepared to vote to maintain this clause. With respect to the alterations in the amount of the franchise, I can only repeat what my noble Friend near me stated in an early part of the evening, namely, that it appeared to me that, in the opinion of many Members who had paid great attention to the subject, the 5*l*. franchise was considered to be too low, and that if we persevered in maintaining that franchise, we could not expect the support of those who held that opinion. Then considering what was the prospect of carrying the bill as it was originally, I made those alterations which I considered would be acceptable to those Members. I say that I made those alterations, as I considered it my duty to do—or as I consider it would be the duty of any government to do, for I never saw any government which in fact ever did maintain every proposition brought forward by them without amendment or alteration. This was not done by the right hon. Gentleman opposite and his friends, when they held high situations in the Government of this country, and I think that, in a mixed Government of this kind, which must always depend on the support of a popular assembly, attention must always be paid to the opinions of men to whose opinions the Government are bound to look with a proper degree of respect, and in so acting I do not feel that the Government have taken any course that was not honourable and right. The hon. Member for Finsbury, standing in the character of the English Cato, has talked of an inflexible adherence to public principles. When I see the hon. Member placed in a situation to act up to this model of inflexible virtue and magnanimity, I shall be ready to give him the humble tribute of my admiration and applause, and I hope without exhibiting any of that acrimony which I must say the hon. Member has thought fit to exhibit. With respect to the question which has been asked by my hon. Friend the Member for Kilkenny, I will state what my intentions were. I came down to the House this evening with the intention of fairly placing before the House the main clause, as I justly thought that the division taken the other night could not be correctly considered a division upon the principle of the clause, and after a fair discussion upon the principle of that clause, and when the House should have come to a decision upon it, it was my intention to state what the Government proposed to do. It was my intention to state, that should the clause be carried by a majority, the Government would proceed with the other clauses of the bill, but if the clause were negatived, in that case the Government did not intend to proceed further with the other clauses of the bill. The hon. Member for Kilkenny cannot deny that I placed the question fairly before the House. I am sorry that the hon. Member for Dublin placed the question before the House in a way that would have the effect of causing the House to come to an indirect decision upon the bill, and I am sorry that the hon. Members opposite have refused to allow the hon. Member to withdraw his motion. I hope, therefore, that the House will allow the motion to be withdrawn, in order that we may be enabled to come to a decision on the direct question.

Mr. *J. Jervis* supposed that it was the intention and desire of Members on both sides of the House to have a fair discussion of this question, and to come to an honest conclusion respecting it. He hoped, therefore, that they would allow the technical proposition to be withdrawn; for if that proposition were carried it would be a defeat of the bill. He would put it to the right hon. Baronet opposite, whether he considered it fair to take the division in this indirect manner, and whether it would not be better and more satisfactory to come to a direct decision upon the question?

Sir *T. D. Acland* said, that, as the hon. Member for Dublin supported the bill for the sake of the clause, he (Sir T. D. Acland) was prepared to vote against the clause from his dislike to the bill. With respect to what had been said by the hon. Member opposite, he thought that after a debate of eight hours on the subject the House had a right to come to a decision on the question, in the only way in which hon. Members opposite would permit the decision to be come to—

> "nec lex est justior ulla
> Quam necis artifices arte perire sua."

Mr. *C. Wood* hoped that hon. Members opposite would allow the present motion to be withdrawn. He was prepared either now or at a future time to accord his opinion by voting against the clause, but after what had been stated by his noble Friend the secretary for the Colonies as to the course which the Government were prepared to pursue, he (Mr. Wood) thought that the House would place their conduct more fairly and intelligibly before the country by coming to a decision upon the direct question.

Sir *R. Peel* said—I feel that I and those who act with me, have in the course of the evening given decided proof that our main object is, to have a fair and decided expression of the opinion of the House on the merits of this clause. Indeed I thought that the amendment which the noble Lord first proposed, had been decided upon that point. However, with the sense which I entertain of the importance of the clause, I think that a decision on the merits of the clause in the usual way would be more satisfactory, and I think that in the course of the evening we at this side of the House have given decided proofs of that opinion, because nothing would have been more easy for us than to have come to an indirect division on the clause either by uniting with the hon. Member for Kilkenny, who proposed to insert "one year" instead of "fourteen," or by joining with another hon. Member, who proposed to substitute 5*l.* for 8*l.* Entertaining this opinion, however, I have a strong feeling, which is shared by my noble Friend, that the House is now in a state in which it can decide the question, and I think that any further postponement would be most unsatisfactory, and in this opinion my noble Friend entirely concurs. I think, therefore, that if we consent that the House shall not come to a decision upon the present question, we ought to be met in a corresponding spirit, and that it should be distinctly intimated to us that this bill should to-morrow evening have precedence over every other business, in order that the House may come to an unequivocal decision on this question Therefore on the part of those with whom I act, if I consent to relinquish the division on the present question, it is on the distinct understanding that the debate shall be resumed to-morrow, in order that in the most unequivocal manner the sense of the House may be taken on the direct question.

Mr. *O'Connell* said this advantage was not so great as was supposed, as the only motion would be to move the recommittal of the bill.

Lord *J. Russell* had no objection at once to accede to the proposition of the right hon. Baronet. However, he could not say whether the bill would come on at five o'clock, without first having obtained the consent of hon. Members who had motions on the paper.

Mr. O'Connell's motion withdrawn.

Mr. Hume and other hon. Members who had motions on the papers for the next day, consented to waive their precedence. The debate was adjourned to the next day, upon the understanding that it would have precedence over all other business.

The House resumed. Committee to sit again on the next day.

Adjourned.

HOUSE OF LORDS,

Thursday, April 29, 1841.

MINUTES.] Bills. Read a first time:—Heirs of Entail (Scotland).—Read a second time:—South Australia.—Read a third time:—Indemnity; Metropolis Improvements.

Petitions presented. By the Earl of Clarendon, from the Chamber of Commerce of Manchester, for a Removal of all Prohibitory and Protective Duties.—By Earl Stanhope, from various places in the counties of York, Leicester, Durham, Chester, and Lancaster, against the Poor-law Amendment Act.—By the Earl of Rosebery, from the Council of the Royal College of Surgeons in Scotland, for an Extension of the Registration of Births, Deaths, and Marriages Bill.—By the Marquess of Lansdowne, from Medical Practitioners of Ireland, for reform in the Medical Profession; and from Inhabitants of Penryn, Cornwall, in favour of the Jews Declaration Bill.—By the Marquess of Normanby, from the Corporation of Newcastle, for the Relief of the Jews; and from the Society of Rational Religionists, for Inquiry.—By the Duke of Argyle, from Haddington, for the Abolition of Church Patronage.—By the Earl of Warwick, from Warwickshire, against the Abolition of the Corn-laws.—By the Earl of Clarendon, from Musselburgh, for the Abolition of the Corn-laws.

CHINA.] Lord *Ellenborough* had a petition to present on a subject, to which he begged to call the attention of the noble Lord at the head of the Government. The petition, which he held in his hand, came from Bombay, and was signed by nearly all the merchants belonging to that city. The petitioners stated the very great injury which their trade had received from the interruption of our intercourse with China, and they appealed to their Lordships to take what measures they thought most expedient to establish our trade in that quarter of the world on a stable and permanent footing. The petition contained a narrative of the affairs which had taken place in China, commencing with the expulsion of the British from Canton in the month of May, 1840.

Lord *Ashburton* wished to ask the noble Vicount, at the head of the Government, whether he had received any further information from China, and whether the Government had come to any decision on the preliminary articles which had been agreed to by Captain Elliot?

Viscount *Melbourne:* My Lords, her Majesty's Government are not in possession of any more decided or conclusive information on the subject than the public in general. We are in possession of the preliminary articles to which the noble Lord had adverted, but I apprehend that it would be premature for her Majesty's Government to form any conclusion on those preliminary articles until they are in possession of the treaty founded on them, and until they know whether the matter has been brought to a conclusion. Unquestionably her Majesty's Government had not come to any conclusion on these preliminary articles.

The Duke of *Wellington* wished to correct a mistake that appeared in the petition. It was there stated, that the British were expelled from Canton on the 5th of May. He, however, inferred, from what had taken place, that the British were obliged to retire at the end of March. Looking to the events of the present year, they appeared to him to be exceedingly unsatisfactory. And to what, he would ask, was this owing? It appeared to him that this state of things was to be attributed to improper advice. The interests of the country, in various parts of the world, had not been properly protected. If there were not a general war, they were placed in a situation that tended to it; and this arose from their having reduced their establishments far below what they ought to be, even in a time of peace. This was the true cause of the present state of things in China, and of delay and consequent misfortune elsewhere; and he much feared that circumstances would occur to cause still further regret at the course that had been adopted with respect to their establishments. He told Ministers so at the time they were making those reductions in 1837. He stated to them then that they were not taking such care of their establishments as would enable them, in the event of war, to contend with success. The reduction of their establishments had been pursued in different parts of the world where they were engaged at present, and now they saw the consequence.

Earl *Stanhope* said, the noble Duke was entirely wrong in his chronology when he asserted that we were driven from Canton in March and not in May. Captain Elliot arrived in the last week of March; but he did not advise the British to quit that place till May; and, but for that advice, there was no necessity for them to have left at all.

Petition was withdrawn, in consequence of informality.

POOR-LAWS—(IRELAND).] The Earl of *Glengall* gave notice, that on Monday next, he should move a resolution respecting the falsification in the returns laid before the House from the Poor-law Commissioners in Ireland. He would lay his resolution on the Table of the House. It went to the extent of saying, that a contempt of this House had been committed.

The Marquis of *Normanby* said, that, as the resolution of the noble Earl mentioned the name of one Gentleman connected with the Poor-law office in Ireland, he thought it would be convenient to the future consideration of the question if he stated to the House the position in which that gentleman stood to her Majesty's Government. At the conclusion of the examination, the facts elicited had very naturally engaged the most serious attention of the Government. A great constitutional privilege was involved—in fact, the security of all parliamentary control was involved in the implicit faith which was to be placed in all returns to both Houses of Parliament. It was not a question of degree. The principle was the same whatever might be the subject matter; and that being the case, and it being acknowledged that the documents returned to the House led to a conclusion different to that which the original documents would have produced if they had been laid on the Table, her Majesty's Government had come to the conclusion, whatever circumstances of extenuation might be offered, that the party who made these alterations ought not to remain longer in her Majesty's service. He was bound, in justice, to say, that before any communication was made by the Government to Mr. Stanley, he had tendered his resignation, stating that, feeling he had exposed himself to the censure of the House, he could only consider that he was so situated as to render it impossible for him to continue in his office with any benefit to the public service. But it must be remembered, that there was a great pressure of business in the office at the time; and he was bound to add, that Mr. Stanley's character in every other respect stood unimpeached. The noble Earl would recollect that it had been proved in evidence, that Mr. Stanley was a very nervous man, and that he was in a state of ill health. In fact, it was proved that he could not remain a day longer in town for the purposes of the inquiry without a very serious effect upon his health. Under these circumstances, he would put it to the noble Earl to say, whether it would be necessary to call Mr. Stanley to the bar.

The subject dropped.

MR. CANDLISH—PROFESSORSHIP IN EDINBURGH.] The Earl of *Haddington* rose to put a question to the noble Marquess, the Secretary of State for the Home Department, relative to the appointment to the Chair of Biblical Criticism in the University of Edinburgh. It would be in the recollection of their Lordships, that some time since, a noble Friend of his alluded to a rumour which prevailed, that Mr. Candlish was about to be appointed to the chair of biblical criticism in the University of Edinburgh, that gentleman at the time having been guilty of a violation of an interdict of the Court of Session. He, and other clergymen, had been enjoined by the Court of Session not to officiate in any of those parishes from which certain ministers had been suspended, that suspension having been declared illegal by the Court of Session. It appeared, however, that Mr. Candlish had officiated in one of those parishes, notwithstanding the interdict of the Court of Session. Under these circumstances, his noble Friend (the Earl of Aberdeen) had asked the question as to the appointment of Mr. Candlish. His noble Friend had received what he conceived to be a satisfactory answer. The noble Marquess stated, that it had been the intention of Government to appoint Mr. Candlish to the chair of biblical criticism, but in consequence of representations having been made to him, that Mr. Candlish had committed a breach of the law, that intention had been abandoned; and the noble Marquess further observed, that there was no difference of opinion amongst her Majesty's Ministers as to the propriety of discouraging those who disobeyed the law and encouraging those who manifested obedience to the law. This was so far satisfactory. This, however, was not the only place in that country, and, indeed, in that neighbourhood, where questions were asked and answered. And it appeared, that a question was recently put elsewhere by one Gentleman to another Gentleman very nearly officially connected with the noble Marquess on this subject. The answer to that question, which he gathered from the ordinary channels of intelligence, he did not very clearly understand, but it was, that the intention to place Mr. Candlish in the situation of professor of biblical criticism was not "abandoned," but "suspended;" and, that hon. Gentleman said, waited the result of some proceedings in a court of law, before he could make any statement on the subject. Now, the two answers were exceedingly different, and he wished to know whether the intention to appoint Mr. Candlish had or had not been abandoned? As to proceedings in a court of justice, he did not know to what it referred, or how it could bear on the point. The offence of Mr. Candlish was complete, and he could see no defence in a court of justice that could make any alteration in the case. This gentleman had acted in direct violation of an injunction of the superior court, and he could not conceive how that offence was to be removed by subsequent proceedings in a court of justice. He wished to know, whether, in consequence of the proceedings adopted by the Court of Session, the appointment had been abandoned or superseded?

The Marquess of *Normanby* said, that he must give the same answer he had on a former occasion, that it was not his intention to persevere in the appointment of Mr. Candlish. He thought the noble Earl had misunderstood what had been said in another place relative to the event of ulterior proceedings. Suppose the Court of Session should determine, that the interdict was not a legal one, surely that would put Mr. Candlish in a different position from the one he now occupied, but he could not be called on to state how he would act, in the event of such a decision being come to.

The Earl of *Aberdeen* said, that he had advised those who had suffered from the persecution of this gentleman's party, not to bring the matter before the court in such a way as would place him or them in such a position as to attract sympathy; and, therefore, he thought, that any idea of bringing him before the court for punishment would be abandoned. There were various modes by which Mr. Candlish might move for the repeal of the interdict, and his not doing so, was a proof he was afraid of encountering the consequences. If the institution of the professorship were of such importance, it ought to be filled up immediately, and there were many persons in Scotland quite as well, if not better, qualified for it as Mr. Candlish. The course adopted by the Government on this question was not a fair one; it was a shirking course; and he called upon them to carry out their own decision—a decision which he thought was most proper, and which nothing on earth ought to cause an alteration of.

The Marquess of *Normanby* said, that if Mr. Candlish thought, that he had committed no offence, the mercy shown him by his opponents was anything but kind. Now, with regard to the appointment, despite the harsh terms which had been used by the noble Earl, considering the present state of the Church of Scotland, the various causes of dispute and excitement which prevailed respecting it, with which few of their Lordships were acquainted, but which he knew too well—considering, also, that all the eminent man connected with that country and her Church were compelled to take one side or the other, and were not allowed to hold themselves aloof from the controversy, and that no other description of person could accomplish the objects which they had in view, in the institution of the professorship—he must be allowed, he again said, to exercise his own judgment on the question; and that judgment induced him to decline appointing any professor, at any rate, at present.

The Earl of *Aberdeen* said, that he must still entertain the opinion that the legality of the interdict did not in any degree alter the offence of Mr. Candlish. He was not entitled to decide for himself that a process of the Court of Session was contrary to the law of the land.

The Earl of *Haddington* was certainly much dissatisfied with the statement of the noble Marquess. In fact, he even now scarcely knew whether the intention to appoint Mr. Candlish was entirely abandoned or only suspended. For his own part, he suspected the latter.

Subject at an end.

STATE OF THE COUNTRY.] Earl *Fitzwilliam* said, that in rising to present some petitions against the present system of Corn-laws he was desirous of assuring his noble Friend opposite (the Lord-lieutenant of Warwick) that he did not intend to give notice of any motion on that subject. For the present he felt that such a motion would be attended with little benefit, but he would take that opportunity of stating his opinion on a matter immediately connected with that subject—the present state of the nation in a commercial and financial point of view; and he did so then because it would be his last opportunity previously to the official statement in another place of the revenue of the country, of the liabilities to which it was exposed, and of its means to meet them. It was acknowledged, he believed, on all hands that the revenue of the country was at present in a deficient and embarrassed state—a state, he would say, so deficient and embarrassed that it would require all the wisdom and talent and ingenuity of the Government—not only of this Government—he meant not his noble Friend's alone, but of any Government, to correct and set in order. The circumstances, too, in which we were placed, rendered such a state of things especially unfortunate and alarming. The greatest distress and disarrangement prevailed throughout the manufacturing interests, and a general feeling existed amongst those classes that such distress was in no small degree to be attributed to our present system of financial policy. The relation in which we stood, also, to foreign countries, rendered not the prospect more pleasing. Our connection with many foreign nations now rested on a footing which might terminate in a war between the countries. If we were to have war with America and war with other places—he knew not whether we were or not—but if we were to have such amusements, we must have increased revenue to pay for them. The present state of the import duties was one of the causes which diminished the revenue, and tended to embarrass and diminish our commercial prosperity. If their Lordships wished to keep up the revenue of the country, they must entirely alter our present system of finance, and must introduce a property tax of some sort or the other. Our commerce had greatly diminished, and our manufactures had also greatly diminished—at any rate, in that point of view in which they were of most value to the State, namely, the production of revenue. The export of our manufactured articles was one cause of serious alarm. The exportation of the rougher description of manufactured articles had much increased, whilst the exportation of those which required great delicacy of workmanship had diminished. Their Lordships must inquire into these subjects, and, if they thought that that inquiry need not extend to one particular article—to that article which maintained their rents—the food of the poor man—they were labouring under a grievous delusion and insanity. They could not have cheap tea and cheap sugar whilst they continued to have dear bread. Perhaps this was not the time to enter into the question, but its importance was his apology. The noble Earl presented a petition from the Chamber of Commerce of Edinburgh, praying for a general revision of our present system of taxation, and likewise other petitions with a similar prayer.

The Earl of *Stanhope* agreed with the noble Marquess on one point, and that point was the extreme importance of the question he had introduced. There had been, he admitted, a continued reduction of taxation, still further reduced as it had been by that memorable expedient which had been made for the convenience of all classes generally—the penny postage; but it did not necessarily follow from this simple fact that the revenue of the country had permanently decreased, or that a change in our financial system was necessary.

Lord *Ashburton*, agreeing also with the noble Earl in the extreme importance of this subject, could not but express his opinion of the great inconvenience, in any legislative body, of bringing forward such subjects without notice being given, and in the presentation of petitions; but as the subject had been introduced, he felt bound to prevent the remarks of the noble Earl going abroad without any opposition or contradiction. He believed that the noble Earl was mistaken in his facts. The first position he had laid down, as far as his memory could serve him, was certainly unfounded—that the revenue of the country was a declining revenue. No notice having been given by the noble Earl, he was not prepared with those figures which would establish the point; but it certainly was his impression that the revenue had not undergone, nor was it undergoing, any permanent reduction. Of course, if taxation were diminished, and the people had been to a considerable extent relieved from those burdens which bore heavily upon them, the effect would be felt; but what he meant to say was that there was no diminution of the sources of revenue. So on this point he firmly believed that the noble Earl was mistaken. Then as to another position which he had asssumed, he much doubted its accuracy and correctness. The noble Earl had stated, that the commerce and manufactures of the country were in a state of continued and permanent decline. But from all the sources of information which were open to him, not having any local connection with the large manufacturing towns in the neighbourhood of the noble Earl's property, he believed that this was not really the case. Of course every one acquainted with the nature of commercial transactions would know that there never could be a perfect stability and firmness in the affairs of individual merchants and manufacturers. This was a state of things which the most sanguine theorist could not even hope for; and if their Lordships were induced to form their opinion of the general state of commercial affairs from a few individual isolated cases, and were persuaded to introduce fresh changes, and to be constantly altering and re-altering the system by our financial policy, they would be doing that which, above all things, would affect the commercial firmness and prosperity of the country. If they listened to the appeals so often made by certain individuals coming from manufacturing towns, containing dismal accounts of the state of our manufactures and of our commerce—accounts, perhaps, sincere, but of which, after an observation of some few particular cases, they would be for ever changing and shifting about, and it would be in vain to expect that our financial arrangements would ever reach a state of security or quiet. There were always people of this description going about, who, by their pretended liberality, gained a great many listeners and a great deal of applause. If the noble Earl rested his case at all on the report of the committee on import duties (which he should be very happy fairly to consider and discuss), it certainly was entitled to but little attention, for he could venture to say that nothing more unfair, shallow, vain, or unfounded, had ever proceeded from a committee of either House of Parliament. That some disagreement and embarrassment had existed, and to a sensible extent did exist in our financial affairs, he did not deny, but let all disagreement in the currency of America be settled; let the commerce of New York Boston, Philadelphia, and the other large commercial towns of the United States be again placed on a firm and steady footing, and the noble Earl would find that the distress which existed in the manufacturing towns about his own neighbourhood would speedily be diminished and the state of our commerce in general quickly improved. The noble Earl, he conceived, had fallen into a mistake as to the cheapness of tea and sugar under a new system of import duties; but, as he had already said, that the discussion of such subjects—important though they were—without notice, was a course the most inconvenient, he wold not trouble their Lordships with any further remarks. He had only said so much that the remarks of the noble Earl should not go before the public uncontradicted and unopposed.

Earl *Fitzwilliam*, in reply, said, that if he had adopted an inconvenient course by introducing such a subject without notice, the noble Lord had given by his own remarks an *ex post facto* approbation of that course, for he had not only gone with him into the facts of our present commercial embarrassment, but had also attempted to assign a reason for it—a reason which, though of course operating to some extent, was not sufficient by itself to account for all the disastrous effects which had been produced.

Petitions laid on the Table.

POOR-LAW.] Earl *Stanhope* presented a great number of petitions against the New Poor-law, from places in the West Riding of Yorkshire, from Lancashire, and Cheshire, from Macclesfield, from places in Durham, and from Butterworth in Lancashire, praying for "the total repeal of the odious enactment," He would take the opportunity of handing in this great body of petitions to state, that if a bill should be sent to their Lordship's House, which he saw from the votes of the House of Commons on their Lordship's Table was now before that House, and which was called a bill for the Amendment of the Poor-law, but was in reality a bill for continuing the exorbitant and unconstitutional powers of the three Commissioners, he should certainly move, "That the bill be read a first time that day six months."

Adjourned.

HOUSE OF COMMONS,

Thursday, April 29, 1841.

MINUTES.] NEW MEMBER.—John Walter, Esq., for Nottingham Town.

Petitions presented. By Mr. B. Wood, from Baptists of various places, against taking Oaths.—By Mr. Villiers, from London, and other places, for a Repeal of the Corn-laws. By Sir R. Bateson, from places in Ireland, against Lay Patronage in the Church of Scotland.—By Mr. W. S. O'Brien, from various places, in favour of the Government Registration Bill.

PARLIAMENTARY VOTERS IRELAND.]

House in Committee on the Parliamentary Voters (Ireland) Bill.

On the question, that clause 2, as amended, stand part of the bill,

Viscount *Morpeth* said, that often and thoroughly as this subject had been under discussion—often as all its main details had been brought under their consideration—yet feeling the present critical position of this measure—and after the determined and mortal opposition which had been announced—mortal, so far as intention was concerned, to the clause now in the hands of the chairman—a clause, he at once admitted, involving the vital principle of the measure—he did feel himself warranted in endeavouring (though happily he should not feel it necessary to do so at any great length) to draw the attention of the House to the position in which this question was at present placed. What he conceived the House to have decided by the assent it had given to the second reading of the bill, not by any overwhelming weight of numbers certainly—but still by a distinct vote, after a most full and minute discussion, was, that the right to the elective franchise in Ireland should be ascertained and tested by reference to a fixed amount of payment, as in the instance before the House, in accordance with the Poor-law valuations. In the earlier part of the discussions on this subject, some attempts were made to impugn the trustworthiness of those valuations, but the more they had been examined into, the more they were brought to light—the more reason there seemed to admit their general fidelity and conformity of construction one with another. He did not, of course, mean to stand up for their entire accuracy, and uniform accordance with the strict letter of the Poor Relief Act. They all seemed in a very nearly equal degree to be pitched at a rather lower standard than the precise wording of the act might require. But still, he thought, as it had been well observed by his hon. Friend, the Member for Halifax, they did not recede farther from uniformity and accuracy than would be found to be the case with almost every valuation of a similar nature, such as that drawn up for the purposes of poor relief in this country. They would gradually approach to greater accuracy and uniformity in proportion as the Poor-law proceeded and gained ground in Ireland. He would read to the House some observations of Mr. Nicholls from a paper which had been laid on the Table, and were much to the point on this part of the subject.

"Speaking generally, and on the information I have obtained from time to time, as the work proceeded in the several unions, I consider the valuations hitherto made as being, on the whole, satisfactory. I do not mean to say, that in any instance they are perfect—that was not to be expected, and can, I believe, only be attained after repeated revisions and corrections; but considering all circumstances, they are, I think, as nearly so as we could reasonably look for; and, whatever inaccuracies or defects there may be, will, I am persuaded, be gradually corrected by the respective boards of guardians, with or without the advice and admonitions of the commissioners, or else by direct intervention, under the provisions of the 66th section of the Poor Relief Act. The boards of guardians have, I am convinced, in general acted with perfect good faith, and have endeavoured to select and appoint competent valuators, and to obtain a fair valuation of the rateable property in their respective unions. They have, in some instances, been led to form erroneous notions of what the law, in strictness, requires in this respect, and perhaps in a majority of cases, have been influenced by kindly feelings, or by other motives, to promote an under valuation of the property; but this has, I believe, in the main, been all *boná fide*, however erroneous, and has often yielded to the personal representations of the assistant commissioners, or to the written admonitions addressed to them from Dublin. Strictly speaking, the valuation is only applicable to one rate, and is constantly open to revision and correction, as the value of property changes, or as circumstances require it; so that, even supposing the valuations to be generally inaccurate at present, ample provision is made for their successive revision, and it can scarcely be doubted that in the course of a year or two, after a few rates shall have been levied, they will approximate very closely to the condition contemplated by the act, and will also be kept in that state, by the self-corrective principle with which they are imbued."

Upon this point he must remind the House, and especially he must remind the great party opposite, of whom the right hon. Baronet, the Member for Tamworth, and the noble Lord, the Member for North Lancashire, were the leaders, that although doubts about the propriety of applying the test of the Poor-law valuation, were expressed in the course of the discussion on the bill, yet no such doubts or hesitation existed when it was insisted not only before the conclusion, but even before the commencement of the valuation, that it should be applied to test the municipal franchise in cities and boroughs in Ireland. There must have been a very shrewd suspicion indeed, that the tendency of that valuation, or of any valuation for the purpose of assessment, must have been below the real average value. Yet these misgivings had no weight in deterring the party from adopting it as the basis of the municipal franchise, when the certain consequence would be to raise and restrict the franchise, and it was only now that scruples and misgivings were manifested when the result would be to facilitate and simplify the admission to an important public privilege. He should have conceived that the contrary course would have been both more reasonable and more generous—that there should have been more doubt and hesitation when the result was restriction, and less when it was facility and simplification. But apart from these matters of recrimination, what he wanted to put to the honest unbiassed verdict of every person in the House and the country was, whether the Poor-law valuations, admitting all drawbacks and inaccuracies, were not, from their very nature as presenting upon the face a certain amount of payment, uniform over large contiguous districts, not departing far from uniformity in their principles of construction throughout the country, assessed for an object entirely distinct from the franchise, and supplying in themselves a check in a contrary direction to the desire of acquiring the franchise,—whether they did not in all respects furnish an incalculably better mode of ascertaining the franchise than any that existed at present,—and, therefore, whether their adoption as a test would not be a great improvement on the whole system of registration in Ireland. In fact, he need not labour to prove that point, because it was not denied by any single person that had addressed the House. Many of those who spoke expressed doubts and difference of opinion as to the mode in which the test should be applied, but none doubted that it would be a great improvement to rest the franchise on some fixed, some impartial and self-evidencing basis, instead of leaving it, as it was at present, matter of opinion to be settled according to the views, and interests and oaths of adverse competing parties. He would not again quote the opinion of the hon. Member for Monaghan, who had a virtuous horror of anything complimentary being said to him from that side of the House, but he could not avoid once more laying before the House the opinions of the right hon. Baronet, the Member for Tamworth, expressed in the discussion on the Irish Corporation Bill, in May, 1838. He had referred to them before, but not when he had the satisfaction of seeing the right hon. Baronet in his place. The right hon. Baronet said,

> "I will not consent to any franchise which may produce the uncertainty which has arisen under the act for the constitution for the elective franchise for Members of Parliament. I will not consent to increase the necessity for appointing a committee of inquiry, to ascertain how far the carrying out of this bill depends on fictitious votes. I will leave it to the committee, however, and I will say, that it is incumbent on Parliament to define what the franchise shall be. I find that the present test is unsatisfactory, and I would depend on no test which involves the mere principle of valuation. I think that that must be a bad principle which holds out the temptation to take false oaths. That is entirely unsatisfactory, and I must say, that I expect the concurrence of the greater proportion of this House in the opinion, that whatever franchise is granted, ought to be a *bonâ fide* one. We ought to know what is the franchise intended to be given; and it is necessary to adopt such a one as that no temptation shall be held out to commit fraud in respect of it, as well for the sake of the morality as of the prosperity of the people; and I must repeat, that such a franchise must be determined upon as will not even afford the excuse for fraud. For my own part, I conceive, that by far the most effectual franchise is that which in itself will act as a check upon the constituents, and that which is adopted under the Poor-law is the best which could be determined upon; because the House must agree, that persons who are included in the franchise under that law, are prevented from demanding an entail of it, to which they are not entitled, by their power of voting being proportionate only to their rental; and persons who are rated at a rental larger than they actually pay, are at all times desirous of getting their rates lowered, in preference to enjoying any extended right of voting. In that system, then, there is a constant check upon the voters; and although it is possible that it could not be applied strictly according to the same rule in this case, yet a corresponding principle might be acted upon."

In the course of the present and of the last Session of Parliament, they had heard a great deal of the abuses which were alleged to attach to the present system of registration in Ireland, and distinct charges of fraud, personation, and perjury, were brought forward, as connected with that system. He thought that the ardour of complaint on those topics had been materially damped, since the Government brought forward a bill which would so effectually remove those evils. If, however, the evils existed to so great an extent, where chiefly were they likely to develope themselves? Why, in petitions complaining of undue returns of Members to that House, and before election committees appointed to try those petitions. Now, from the passing of the Irish Reform Act, to the beginning of the present year, forty-two election petitions had been heard and determined. Now, he believed that in no one of these cases had the charges of personation, fraud, and perjury, been substantiated by the evidence; on the contrary, the decisions of the committees had almost uniformly turned on questions of disputed value—those very questions which the bill now on the Table would at once settle and determine, but which the bill of the noble Lord opposite would leave unsettled, undetermined, and as much afloat as ever. If he wanted corroboration of these views, he might quote ample testimonies of persons holding Conservative opinions, and especially he might refer to the recent proceedings at the registers in the Queen's county; but he should not refer to them at present, as they were likely to hear a great deal more on that point. What he contended for was—and it was a principle which had not been controverted by any one in the course of the discussion—that it would, in itself, be advisable to take the franchise out of the province of opinion, to which it was now confined, and to ascertain it by some fixed and independent standard of value. But then they had to determine how the test was to be applied. The test might be very good in theory, but the mode in which it was to be applied was, what they were now called on practically to determine. In what mode, then, was it to be applied? They might apply the test of rating above rent—that was to say, the test of profit appearing on the rate above rent and charges. That was the measure which was brought under discussion the other evening by the amendment of his noble Friend the Member for Northumberland; but he flattered himself he had demonstrated—and if the position were disputed, he would again lay down the irrefragable proofs that the test of rating above rent and charges would not only effectually disfranchise almost the whole bulk of the existing constituency of Ireland, but go far to prevent the possibility of forming any future constituency. But if they did not take the test of rate above rent, they had another option by taking a certain amount of rating without reference to profit, and without reference to the existence of any lease or tenure. He would not enter into the discussion which occupied them last night, as to whether it would be expedient in any country, and especially in a country situated like Ireland, to dispense altogether with the necessity of a lease, with a tenure of some period or other, with some right of estate on the part of the voter. But his noble Friend, the Member for Halifax, stated, last night, that the effect of the conjoint proposition which his noble Friend, the Member for Northumberland, brought forward, would not effectually disfranchise any of those whom this bill would enfranchise. But what would become of the number of those rated between 8*l.* and 20*l.*, for 20*l.*, he believed, was the amount which his noble Friend intended to propose. In ten unions, containing 1,794 voters, it appeared that the 8*l.* rating, as proposed by the Government, would exclude 138. What would be the effect of the franchise of 8*l.*, 9*l.*, or 10*l.*, in the rate above the amount of rent in these cases? It would not have saved one out of the whole number of 1,794. What would be the effect of 5*l.* of rating above rent? It would have saved just three. What would be the effect of making a rating of 20*l.* the qualification, as his noble Friend proposed? It would have excluded 768, and the conjoint operations of the two franchises proposed by his noble Friend would have excluded 665 of the present electors in the ten unions, while the Government measure would only exclude 138. Having adverted to the mode of applying the test of the Poor-law valuation on the principle of an amount of rate above rent, and of a higher amount of rate, without reference to tenure, he should now refer to the plan they had proposed. It appeared to them that the only thing which remained to them was to preserve, in a somewhat relaxed form, the present amount of tenure required by the Irish Reform Act, and to test the competency and condition of the voter by a moderate amount of net annual value as fixed by rating. The amount was proposed in the clause on which the opinion of the House was now to be taken. They had been subject to some remark and some imputation for having — while they saw no good reason to question the propriety of their original proposition to fix the amount of rating at 5*l.*—altered that amount to 8*l.* He must say, this imputation of changing one's mind always seemed, in a certain degree, to tell in that House; but he thought it was the very last charge that any one need much mind who wished to deal practically with important questions. Preceding Governments, and all who had taken a prominent part in politics, never shrunk from adapting their measures to circumstances, when they did not involve a material deviation from principle. The right hon. Baronet, the Member for Tamworth, after strong opposition, found it reconcileable with his duty to carry into effect the bill for abolishing the Test and Corporation Act. The noble Lord, the Member for North Lancashire, found it reconcileable with his duty to change his proposal of a loan of fifteen millions to the West India colonies, into a grant of twenty millions. The information which reached her Majesty's Government certainly led them to think that they were justified in proposing a 5*l.* rating. In twenty-four unions which had been examined, no less than 200 10*l.* electors would have been disfranchised, by fixing the qualification at that amount. They received information with respect to the union of Cashel, for instance, which showed that a rating of 5*l.* under the Poor-law was proof of the existence of a beneficial interest of 10*l.*, that was to say, of the qualification contemplated by the Reform Bill:—

> "The beneficial interest (using that term to denote the clear annual profit actually accrueing to the occupier after paying all expenses of rent, taxes, and labour, every expense necessary to turn the produce into money) is thus stated by the different guardians:—Mr. Long, chairman of the Board, states (and Mr. Cooper, ex-officio guardian, concurred in the opinion stated by him) that the profit of the general class of tenements rated at 5*l.*, charging the farm with the expense of management and repairs, rent, and all the cost of production, and selling all the produce, would be about 12*l.* per annum on an average. Mr. Matthias Laffan, a practical farmer, stated the clear profit to be 12*l.* to 15*l.*, with the ordinary cultivation of the district, and had no doubt that, with superior cultivation, the profit would be 20*l.*"

Similar information had been received with respect to Roscrea, and where it thus appeared that a rating of 5*l.* proved a beneficial interest of 12*l.* or 20*l*, per annum. There was nothing, therefore, unconscionable or preposterous in the original proposing of a 5*l.* rating. At the same time they thought that within the limits of what was admissible on principle, and so far as justice to the Irish people permitted, whose rights were in question, and on behalf of whom they were legislating, they ought to pay regard to the scruples of some for whom they felt such deference was due, and also, he would frankly state, to the chance that existed, slender as it might seem, of passing any measure through that House on the subject. In conformity with this feeling they had raised the amount from 5*l.* to 8*l.* hoping to remove the objection of those who, while they were friendly to the principle of giving an adequate constituency to the Irish people, and to the principle of testing it by the Poor-law valuation, nevertheless apprehended from the original proposal, too great an extension of the electoral body, and were especially anxious to guard against giving a greater encouragement to a more minute subdivision of property which they considered extremely prejudicial to the economical condition of the people. Therefore it was that the proposition was placed in the hands of the Chairman for an 8*l.* annual rate. Now, he found that amongst the fourteen unions, where he had been able to ascertain the matter, that of the number of persons valued from 8*l.*, to 9*l.*, which, of course, was the class of persons admitted under this bill, that the average number of acreable holdings in their possession was as follows: Lurgan, 7A. 3R. 22P. each person; Parsonstown 10A. 1R. 10P.; Longford, 8A. 0R. 18P.; Cashel, 12A. 3R. 26P.; Banbridge, 14A. 1R. 4P.; Lisburn, 11A. 1R. 34P; Newtown Limavady, 71A. 1R. 14P.; Scariff, 18A. 3R. 2P.; Naas, 13A. 3R. 13P.; Listowall, 29A. 2R. 8P.; Sligo, 19A. 2R. 1P.; Sligo, 11A. 2R. 4P.; Londonderry, 14A. 2R. 9P.; Cootehill, 11A. 0R. 10P.; Rathkeale, 11A. 1R. 38P.; Gorey, 17A. 0R. 1P.; Kilkeel, 14A. 1R. 11P. It was therefore plain, from this, that the voters that would be constituted under this bill, would not be of that sordid and destitute description that had been described. He admitted, that taking the amount at an 8*l.* rating would disfranchise a considerable number of 10*l.* electors; but, on the other hand, the loss would be counterbalanced by the additional number that would be placed on the register; but still more by the facilities it would give to deal with the whole system of registration. This was the main recommendation of the proposal, to those who were admissible under the qualification, be it more or less restrictive, be they more or fewer, it afforded a certain distinct mode of easily getting, and of safely keeping, the privilege to which the elector would have been declared entitled.

Its merits on the one hand were these, while, on the other, it would put an end to all the evil practices that prevailed—to the browbeating and the chicanery—the evasions—the contradictory statements—and the contradictory swearing which were said to attach to the present system of registration, and that in his opinion must attach to every system of registration, that did not refer to some impartial test of value, but left the decision of that question to the adverse testimony of conflicting parties. The point, therefore, to which he was endeavouring to call the attention of the House was, that the circumstances connected with the state of the franchise, and the state of the registration now established in Ireland, did most powerfully recommend the adoption of some settled, impartial, and extrinsic standard of value, and that no standard could be more proper or suited to the purpose than the valuation under the Poor-law, and that this could be settled in no mode so effectual to retain the same class that enjoyed the constituency at present, and to keep up an adequate number, as the mode proposed in the clause then in the hands of their Chairman. To leave the franchise of the people of Ireland in the state in which it now stood was the object of that precious statesmanship which at the same time did not scruple to arraign the mode of dealing with the franchise adopted by the Government as disentitling them to the confidence of Parliament and of the public. I certainly, said the noble Lord, in conclusion, have heard with disappointment, and I own, with regret, in the course of the discussions that have taken place since the recess, that the right hon. Baronet, the Member for Tamworth, has thrown himself, without reserve, into that impetuous course which has been chalked out for him by his noble associate. It is, most certainly, only in one respect that I could venture to put myself on a footing of equality with the right hon. Baronet, and that, is in my knowledge of the country with which our immediate official connection has lasted exactly about the same period of time. I hope, then, that I say it without presumption; I am sure I say it without any wish that my foreboding should be realised; yet I cannot refrain from stating that, whatever may be the temporary triumph that attends the course in which he has embarked, I certainly do anticipate that no very long period will elapse before he regrets that he has afforded his sanction to its adoption. Or if I, Sir, do look forward to the future with any feelings of satisfaction, it is to that day when I shall hear him, (and such things have been heard before, not only without dishonour to the right hon. Baronet, but greatly to his credit) when he will come forward to propose the adoption of some such proceeding, and the sanction of some such principle as that which has now encountered his condemnation.

Lord *Stanley* said, that although he had originally given notice of his intention to take the sense of the House on the present clause, on which at last they were called to decide—although he had since taken no part in the discussion in which the essential principle of the bill contained in the clause now under consideration had been thoroughly stated and discussed; still he would have been content to observe silence, had it not been for the speech of the noble Lord who had just sat down—had it not been for the manner in which the noble Lord had misrepresented the course pursued by him, and the objections urged against the principles asserted on his side in preference to those exhibited in the bill now under discussion, and in spite of the sneers of the noble Lord—notwithstanding the sneers of the noble Lord on what he was pleased to call the precious statesmanship which left altogether untouched the present evils and uncertainty of the Irish franchise, he ventured to tell the noble Lord that he, in common he believed with the great majority of the people of England, in common common with all on his side of the House, and in common with many on the other side, who from a powerful attachment to the Government and from political sympathy supported the noble Lord in his present course—he repeated, in the opinion of the vast majority of both sides of the House, and of an incalculable majority out of doors—the course which the Government, under the influence of the noble Lord, had pursued, in reference to the question of the Irish franchise, had been characterised by a spirit of recklessness and want of statesmanship, which did most certainly disentitle them to the confidence of the House, and which had shaken one of the very few and last remaining holds which they retained on the tolerance of the country. The noble Lord had misrepresented both the principle which the House had affirmed, and the objections taken by his side of the House to the bill of the noble Lord. The noble Lord stated that the House, by the second reading of the bill, affirmed the principle of defining the franchise according to the test of the Poor-law valuation. The House, in affirming the principle of the bill, affirmed merely that they would permit the Government to submit to them to discuss in detail a measure of which it was supposed they had, as was the duty of every Government before submitting a measure to the House, maturely considered the details and calculated the effect, and were prepared to stand by the provisions they recommended. On his side of the House no opposition was offered to the Government in seeking a better, more safe, and less disputable test of value than the oaths of interested parties. On the contrary, in every discussion which had taken place on the subject it had been maintained more forcibly by the hon. Member for Mallow, on the other side of the House, than by his hon. Friend the Member for Monaghan, whose consistency had been so unfairly impugned by the noble Lord the Secretary for the Colonies last night, that it was most desirable to provide a real, stringent, and effectual test which should be applied to the value of property other than the oath of the party himself or than evidence on oath; and it had been affirmed, moreover, on his side of the House that the best and safest test of the amount of value would be found in the principle of rating, which imposed a tax at the same time that it affirmed a franchise. But the noble Lord had found it convenient to omit altogether this principle in his bill, to which, apart from the details, his Friends objected. He was willing to take valuation for the purpose of rating as a test of the value of the property, but he was not willing to take the value of the property apart from the charges and incumbrances on it as the amount of qualification. And that was the principle of the noble Lord's bill—that value of a certain amount, tested by rates, should be the qualification entitling the possessor to vote, on which principle he might be disposed to agree with the noble Lord; "but then that," says the noble Lord, "shall be a test, not of the value of the property, but of the qualification for voting." On his side it was admitted to be the best test of the value of property, but then it was contended that the right to the franchise must depend on the balance between the value estimated by rating and the amount of incumbrances by which that property was burdened. The noble Lord assumed that that was the point of difference between them. That was, in principle, the point of difference between them. That was the point which was broadly and plainly stated to the House on Monday night; that was the point on which the House of Commons affirmed the beneficial interest against the no-beneficial interest contended for by the noble Lord, and that was the point for which they again stood up in opposition to Her Majesty's Government. He stated, moreover and would frankly repeat, that in the present condition of the Poor-law valuation, he could not look upon it with any degree of confidence. The very evidence produced by the noble Lord, which had come forth successively, paper by paper, week after week, and month after month, but all after the bill had been prepared, submitted to Parliament, and discussed—that very evidence told them that the valuators of the property had gone upon no fixed, stable, or uniform system whatever. In one thing, and one thing only, had they been uniform—namely, in disregarding the provisions of the act of Parliament. But how far they had done so, how much they were below the real value, whether uniformly or in certain proportions, whether only 5 per cent in one case, and 30, 40, and 50 per cent. in another, could not be ascertained. Such was the account which the Government's own commissioners gave them of their own evidence; and yet that was the evidence upon which the noble Lord asked the House to affirm that the Poor-law rating should form, not a *primâ facie* case, but conclusive evidence of the real and actual value of the premises, of which value the commissioners told them it was no real or proximate evidence, but varying in proportion to the deficiency and errors of every different union, in every different part of Ireland. He therefore declined to take the Poor-law valuation in its present state, and upon the evidence before them, as the basis or even as the first element, of the value of the property, exclusive of the amount of burden charged upon that property. He did not mean to say that the rating might not be so corrected, that practically it might not be made so much more perfect as ultimately to approximate so nearly to the real value, or, at all events, to approximate to so uniform a deviation from the real value, that they might not be fairly entitled and enabled to assume it, not as a test of franchise, but of the valuation of the property out of which parties claimed to vote. But upon the evidence before them, he could not take it as a test either of the franchise or the value. One word as to the manner in which the Government had dealt with the question. The House, he thought, ought not to overlook the mode in which this evidence had been furnished, the sources from which it came, and the means by which it had been obtained. It had always been usual, and it was a right and a wise practice, that when the Government furnished information on which Parliament was to act, that information should be furnished in one of two ways—it should either be presented by the command of the Crown, or furnished upon an address or motion adopted by one or other of the Houses of Parliament, and should come before them with some official evidence of its character, and of the manner in which it had been obtained. But in what manner had this evidence been received? Day after day certain papers printed by the Queen's stationer, were laid before them, and that was all the House knew officially of the evidence upon which they were now called to act. They were told that certain verbal instructions were given by the right hon. Gentleman, the Attorney-General for Ireland, to some personal friends of his to go down through the country, and acquire for him certain information—he did not tell the House what—to report that information to him, and enable him to lay a portion, or the whole of it, before the House; but the House had a right to require that this should be in fulfilment of instructions, that the commissioners should be called upon to inquire into certain definite points, and to these give answers, and not be allowed to go through the country, and collect such information upon particular points (those points varying in each union) as they might think it necessary to give to the Government for the purpose of being laid before Parliament. That evidence, whether coming from two, six, or twelve Gentlemen, should not be laid before Parliament, without any authority, to be legislated upon as the basis of this great measure. He would complain further, and say, that he objected to the clause of the bill then under consideration, because, at the present moment, the noble Lord, the Secretary for Ireland, could not tell in the slightest degree—could not approximate to what would be its effect upon the constituency of Ireland—could not say either how far it woud increase or diminish that constituency—points upon which the noble Lord did not pretend to be able to give the least information or hint. The noble Lord had told them, that in certain unions it would strike off ten registered electors of 10*l.*, in others 20, and in others 30; but he must be permitted to ask the noble Lord, how many qualifying tenements in Ireland, or approximating to the number, he would constitute by his 8*l.* rating? The noble Lord's own returns gave forty-nine unions in Ireland as a fair sample of the whole, which was 135, and consequently there were eighty-six unions of which the noble Lord gave no information at all. But how many qualifying tenements at the 8*l.* rating did the House suppose would be created by this bill of the noble Lord, which was to increase undoubtedly, but gradually, and not materially, the county franchise of Ireland? In these forty-nine unions, as appeared by the return of the noble Lord himself, there were 163,929 qualifying tenements; and, supposing the the noble Lord to be correct in stating that these forty-nine were a fair sample of the remaining unions in Ireland, the number of qualifying tenements which would be created by the bill for Ireland generally was 450,805; and yet this measure, said the noble Lord, was slowly and gradually, but not materially, to increase the county franchise. He admitted that from this must be taken out the tenements of the towns. He was, therefore only stating it as the nearest approximation which the noble Lord's own figures enabled him to give of the number of the qualifying tenements which, under his proposition, would exist in Ireland. Now, the constituency of 40*s.* freeholders only amounted to 196,000, and allowing the noble Lord to make what deductions he pleased, as for the towns or the number of tenements occupied by females and minors, would the noble Lord venture to tell the House, that he would not still be giving a number of qualifying tenements, infinitely larger than the number possessed by the 40*s.* freeholders of Ireland? He supposed the noble Lord would tell him there was a restriction in the leasing clause. There was a restriction, but would the noble Lord tell him when he made this large increase, and then made his deduction, what would be the effect of that increase and deduction? The main objection which he (Lord Stanley) made to the noble Lord's proposal was, that while he gave an ostensibly enormous increase in the qualifying tenements, and said that the present evils were mainly occasioned by the unwillingness of the landlords to grant leases, the *sine qua non* of the noble Lord was, that that unwillingness should not be checked, and that the cause of disfranchisement should continue to operate extensively. The noble Lord could not tell how extensively, but as far as it would, he did not check it by the present bill, and he knew neither the extent of franchise he was giving, nor the amount of limitation he was putting to the arbitrary power of the landlords of Ireland. He had no wish to enter upon the important question of leases, as they affected a small class of tenants; but he must observe that the existence of a lease in no degree augmented, though it certainly did not diminish, the independence of that description of tenant. He did believe, that if the vast bulk of the small class of tenants were to exercise their franchise according to the amount at which they were rated, and not according to the beneficial interest they possessed under their leases, and who consequently might be overrented, and in the power of their landlords, by getting into arrears of rent, he did believe, that persons so circumstanced, occupying under a lease, and being in arrears of rent, would be subject to a more stringent and a more ready dependence upon the will of their landlords than the same persons holding under the same landlords as tenants at will. He would no longer trespass on the committee in the discussion of a question which had been already so fully discussed, and the merits of which were fully before the country. He would merely add, that he opposed this clause because he objected to the principle of the beneficial interest being abandoned; because they had no certain evidence of the rate being a fair test at this moment of the valuation of the property; because the noble Lord and her Majesty's Government could not give them the slightest idea what the practical effect of this measure would be (and of their inability to do so, he need not say, had given the most conclusive proof); because they had in the first instance come down with a proposition for a 5*l*. rating, which they afterwards nearly doubled by the substitution of a rating of 8*l*.; and because they introduced this bill with a degree of haste and rashness, and want of information, which he thought most censurable; and in declaring his opposition to the principle of this clause, the noble Lord, the Secretary for Ireland, being a better judge than he could be of how fatal or mortal an opposition to it might be, or in how critical a situation that opposition might place the bill—he spoke only of the bill—in declaring his intention to oppose this clause, containing as it did, the vital principle of the measure, and conceiving that the Government, with whom it properly rested to introduce the question, had done so with culpable negligence and want of information, he had only to say that he opposed it for the purpose of defeating the bill.

Mr. *C. Wood*, in answer to the allegation of his noble Friend (Lord Morpeth), that the proposition of his noble Friend near him (Lord Howick) was one of extensive disfranchisement, referred to the returns furnished by the Government, to show, that judging from six unions which he had named on Monday, about one-third of the present 10*l*. voters had a rated value of 5*l*. above rent; and whatever number was deficient would be made up by the occupation franchise. His noble Friend had not fixed any amount of rating for that franchise; but 20*l*. had been mentioned by him, and referred to again by the Member for Lambeth. Referring to the returns from thirty-one unions, containing no boroughs sending Members to Parliament, and with one-fifth of the population of Ireland, and taking the number for all Ireland in the same proportion; there would be 180,000 tenements rated at 20*l*. and upwards in the Irish counties, and by deducting from that, as had been suggested to be necessary, one-fourth for the occupation by women and for double holdings, a clear county constituency would be obtained of 135,000 voters; while the present number only amounted to 57,000. If, then, there was any faith to be placed upon the figures contained in the returns produced by the Government, such would be the result of a rating of 20*l*. and upwards. He objected to the present clause on account of the restriction of leases. To remove that restriction was the object of his noble Friend's second amendment, and of the motion of the Member for Kilkenny yesterday. Having voted for that motion, he could not consistently support a clause containing the same restriction. The Vice President of the Board of Trade censured the Member for Kilkenny, his noble Friend, and himself, for their ignorance of Ireland in preferring an occupation franchise to a lease. Looking at the Irish Members who had voted for the motion of the Member for Kilkenny, he was content to submit to a censure in which they must be included, to whom such ignorance could not be imputed, or any want of attachment to their country. He was aware that rejecting this clause would lead to the abandonment of the bill, and he did not regret it. It was clear that without the assent of the Gentlemen opposite the bill could not pass into a law, and he could conceive nothing more mischievous than those angry discussions leading to no practical result, of which they had had a specimen that evening, more particularly when they related to Ireland. For the same reason he anxiously hoped, that the bill of the noble Lord opposite would also be withdrawn. It professed to deal only with the question of registration; but it was now very evident, from the papers before the House, that the evils complained of arose not from the state of the registry, but from the state of the franchise. It was most desirable that the whole question should be settled in a future Session; and it certainly was not worth the while, for the sake of removing the evils connected with the system of registration alone, which were slight contrasted with those arising out of the state of the franchise, to revive those angry feelings in Ireland which would prevent the future amicable settlement of the question. He was sanguine enough to hope, that in a future Session a bill would be introduced based upon the principle of retaining as much as possible the existing franchise, adding a new franchise to a considerable extent, without the restriction of leases, but based upon occupation and rating, and that such bill would be passed into a law in perfect conformity with the principles of the Reform Act, while it would secure to Ireland an adequate and independent body of electors.

Mr. *Hume* said, that after the speech of the hon. Member for Halifax he thought he should have seen the right hon. Baronet, the Member for Tamworth, rise in his place to repel the insinuation which had been made against him by that hon. Member. The insinuation was, that no measure for Ireland could pass without the sanction and approbation of the right hon. Baronet. The Irish people would now know that all legislation for the benefit of Ireland was impeded by the right hon. Baronet. The hon. Member for Halifax observed, that he included all the hon. Gentlemen opposite. Then it appeared to him a very serious charge indeed against those Gentlemen, that they were an impediment to all useful legislation. The right hon. Baronet and his Friends had acted with great inconsistency in having voted for a leasehold qualification, and for the 8*l.* rating; they then turned round and said they would vote against the clause, without assigning any reason. The right hon. Baronet admitted, that the present state of the franchise was imperfect; he rejected this bill, which went to remedy the evil, and yet he proposed nothing better in its stead. He was, therefore, correct in saying that the right hon. Baronet and his party were impeding all useful legislation. Five hundred Members of that House had declared that the franchise was a right which ought not to be conferred upon the people by the Parliament, but that it should be dependant upon the will of those who were in possession of the land; and only forty-seven Members had ventured to declare a different opinion. He would like it to be shown why, after having unsuccessfully endeavoured to amend the clause, they ought to abandon it altogether. Upon what principle ought he to refuse a moderate amount of benefit, because he could not get all that he wished? Although the clause was not a good one, he should vote for it upon the ground that he would get what he could. Those who wished to add to the grievances of Ireland would vote with those who were the opposers of everything intended to do good to that country. But he would address a word to the Treasury Bench. He had yesterday charged them with improper conduct in having altered the amount of the rateable value without assigning any reason for doing so. The noble Lord who had charge of the Government bill, had candidly avowed his opinion that it should not be altered, and that the 5*l.* franchise was the proper franchise; but in order to meet with as much support as possible, and to carry some portion of a good measure, he thought he did right to submit to the alteration, and he (Mr. Hume) entirely agreed with him. The noble Lord, the Secretary for the Colonies, took the same view of the matter, not agreeing to the 8*l.* qualification by choice, but of necessity, and being disposed to give the 5*l.* franchise if he could. But the noble Lord had declared, that as long as he was in that House he should feel bound to have regard to its general feeling. He would, however, advise the noble Lord to act up to his opinions in a bold and conscientious manner, which would be much more becoming than his present conduct. Let him set at nought the whole Opposition. He need not fear anything from an Opposition which was bound together to deprive Ireland of her rights. That, at least, was his opinion. If that was regarded as a harsh allegation, he could only say, that they seemed to him to oppose all measures which were likely to be beneficial to Ireland. If he might counsel the noble Lord, he would tell him to act fearlessly, and not care one pin about the noble Lord and his phalanx who had come down to defeat him. Let him take such a course as would clearly explain to the country who were the real friends of Ireland, and who those were who resisted the progress of reform. But let not these changes take place in secret and silence. He thought the noble Lord could not stand acquitted with regard to the alterations which had been made in the course promised to be taken by the Government. It would be much safer for him to pursue a straightforward course. He understood that the noble Lord was to be defeated. Well, let him be defeated. What was the consequence? No doubt the hon. Gentlemen opposite were all cock-a-hoop upon that. But he hoped there would be no more fool's play. He should support the clause.

Mr. *O'Connell* would trespass upon the House with only a few sentences. The hon. Member for Halifax had said, that it was wrong to continue the irritation which prevailed in Ireland. He believed they were all of one opinion upon that point. The hon. Member had said, that the irritation would be continued by unnecessary discussions in that House upon questions interesting to that country. But the irritation would be much more increased if the people of Ireland were permitted to have any reason for thinking that they had no party in that House upon whom they could depend as their friends and the advocates of their legitimate claims to those rights and privileges of which they were unjustly deprived. Those who called themselves the friends of Ireland had now an opportunity of showing their sincerity, and ought not to fritter it away by standing out upon crotchetty notions against those who were disposed to do for Ireland what good they could. It was quite clear, he thought, that the bill could not pass. But still it would do the Ministry much good in Ireland. It would show that they had made an attempt to procure a measure of justice for Ireland, upon which her friends ought to insist until it should be gained. They had made an attempt fairly and boldly and honourably to increase that constituency, which he thought no man would be hardy enough to assert was at all proportionate to the population of Ireland, or the comparative population, representation, and revenue of England and Ireland. But it would not satisfy Ireland. He would not say that it would disturb the tranquillity of that country—that tranquillity which had been maintained by a course of administrative impartiality in Ireland on the part of a Government disposed to do what they could for Ireland, by keeping the violent partizan from power, and the more violent bigot from wreaking his vengeance upon the people under the form of law, and by protecting the population from the sting of a faction which had been the curse, the misery, and the ruin of the country. But, for the present, the attempt would fail. The noble Lord, at the head of the phalanx opposite, had talents which were useful to his friends; but he also had a talent which was of service to his enemies. The noble Lord—to whom he would not impute misrepresentation, but mistake—had miscalculated the Irish franchise. But that very mistake would teach the people of Ireland that his bill was a better bill than they thought it was. It would give them greater confidence in the Government; and he trusted that this defeat would lead the Government to prepare a perfect bill for the next occasion to give the people of Ireland the franchise they ought to have. Let them extend the English constituency still more, and give to the Irish constituency an adequate power to represent theri real opinions in that House. All he asked for the people of Ireland was an equality with the people of England. That was the whole extent of his prayer. They could not be deluded by words against the evidence of deeds. If the House would support the noble Lord, the Member for North Lancashire, in crushing a franchise already limited and miserably diminished, let them use as fine language as they pleased, the people of Ireland were too shrewd not to detect the mockery, and the House would only procure their contempt and disgust. Equality, then, was what he demanded. Let Ireland be identified with England in rights and privileges. Let them no longer keep up a reckless and almost expiring faction in Ireland, a faction now ready to be re-animated into scorpion life and mischief. He ought not to have used that word. He had not intended to do so. Let them do justice to Ireland.

Mr. *Grattan* spoke amidst loud calls of divide. It had been said that this division would decide the fate of the bill; if so, he believed it would decide the fate of Ireland. He wished to know if the noble Lord, the Member for North Lancashire, intended to bring forward his bill, because if he did, those angry discussions which had been so much deprecated, would certainly take place. He verily believed—though he wished not for separation—that if they would preserve Ireland, they must yield to the people of that country equal rights and equal privileges with the people of England. Whatever might be the result of their proceedings, he hoped they would do justice to their own character.

Mr. *Fielden* said, that he had given his vote for the *5l.* franchise on the previous evening, and therefore he felt bound in honesty to vote against the clause as it stood. He complained that the Government, notwithstanding all their professions of liberality and just principles, took especial care never to bring forward any practicable measure. They were continually proposing measures which they knew could not be carried.

Lord *Stanley* rose for the purpose of preventing any possible future misrepresentation of his views on a point on which, since he had sat down, he had heard, that he had so expressed himself as to be open to misconstruction. He had been understood to have argued in favour of a county qualification exclusively founded on beneficial interest. What he had contended against was the principle involved in the Government bill of excluding beneficial interest from the county franchise; but he repeated what he had stated on a former night, that if the operation of a rating test were found to be so stringent as unduly to narrow the county constituency, he should be prepared favourably to consider any proposition emanating from the Government for introducing an additional franchise founded on the principle contended for by his noble Friend the Member for Northumberland.

Lord *J. Russell* said, that having heard the noble Lord, he found himself unable, at the close of the discussion, to understand the grounds on which the noble Lord and the right hon. Gentleman were about to proceed to a division and vote against the clause. The noble Lord had declared that he would consent to no adjustment of the franchise which should not include a beneficial interest, and yet the noble Lord had also expressed his assent to that proposition of the noble Lord for conferring a franchise not founded on any beneficial interest, but on a holding rated at a certain amount. The noble Lord and right hon. Gentleman had given very few reasons against the clause, and he found himself completely in doubt and darkness as to the reasons that influenced the vote which they were about to give.

The House divided on the question that the clause stand part of the bill:—Ayes 289; Noes 300: Majority 11.

List of the Ayes.

Abercromby, hn. G. R.
Acheson, Viscount
Adam, Admiral
Aglionby, H. A.
Alston, R.
Andover, Viscount
Anson, hon. Colonel
Anson, Sir G.
Archbold, R.
Armstrong, A.
Bainbridge, E. T.
Baines, E.
Bannerman, A.
Baring, rt. hon. F. T.
Barnard, E. G.
Barry, G. S.
Beamish, F. B.
Bellew, R. M.
Berkeley, hon. H.
Berkeley, hon. G.
Bewes, T.
Blackett, C.
Blake, M. J.
Blake, W. J.
Blake, M.
Blewitt, R. J.
Bodkin, J. J.
Bowes, J.
Brabazon, Lord
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Bryan, G.
Buller, C.
Buller, E.
Bulwer, Sir L.
Busfield, W.

Butler, hon. Colonel
Byng, G.
Callaghan, D.
Campbell, W. F.
Carew, hon. R. S.
Cavendish, hon. C.
Cayley, E. S.
Chalmers, P.
Chetwynd, Major
Childers, J. W.
Clay, W.
Clayton, Sir W. R.
Clements, Viscount
Clive, E. B.
Collier, J.
Collins, W.
Colquhoun, Sir J.
Corbally, M. E.
Cowper, hon. W. F.
Craig, W. G.
Crawford, W.
Crompton, Sir S.
Currie, R.
Dalmeny, Lord
Dashwood, G. H.
Denison, W. J.
Dennistoun, J.
D'Eyncourt, right hon. C. T.
Divett, E.
Duff, J.
Duncan, Viscount
Duncombe, T.
Dundas, C. W. D.
Dundas, F.
Dundas, hon. J. C.
Dundas, Sir R.
Dundas, D.
Easthope, J.
Edwards, Sir J.
Elliot, hon. J. E.
Ellice, Captain Alex.
Ellice, rt. hon. E.
Ellice, E.
Ellis, W.
Erle, W.
Euston, Earl of
Evans, Sir De L.
Evans, G.
Evans, W.
Ewart, W.
Fazakerley, J. N.
Ferguson, Sir R. A.
Ferguson, Colonel
Fitzalan, Lord
Fitzpatrick, J. W.
Fitzroy, Lord C.
Fitzwilliam, hn. G. W.
Fleetwood, Sir P. H.
Fort, J.
Fortescue, T.
French, F.
Gillon, W. D.
Gisborne, T.
Gordon, R.
Grattan, J.
Grattan, H.
Greenaway, C.
Greg, R. H.
Greig, D.
Grey, rt. hon. Sir C.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Grote, G.
Guest, Sir J.
Hall, Sir B.
Handley, H.
Harland, W. C.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Hector, C. J.
Heneage, E.
Heron, Sir R.
Hill, Lord A. M. C.
Hindley, C.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.
Horsman, E.
Hoskins, K.
Howard, hon. E. G. G.
Howard, F. J.
Howard, P. H.
Howard, Sir R.
Howard, hn. C. W. G.
Hume, J.
Humphrey, J.
Hutchins, E. J.
Hutt, W.
Hutton, R.
James, W.
Jervis, J.
Johnson, General
Labouchere, rt. hn. H.
Lambton, H.
Langdale, hon. C.
Leader, J. T.
Lemon, Sir C.
Lennox, Lord G.
Lister, E. C.
Listowel, Earl of
Loch, J.
Lushington, C.
Lushington, rt. hon. S.
Lynch, A. H.
Macaulay, rt. hn. T. B.
Macnamara Major
M'Taggart, J.
Marshall, W.
Marsland, H.
Martin, J.
Martin, T. B.
Maule, hon. F.
Melgund, Lord Visc.
Mildmay, P. St. J.
Milton, Viscount
Molesworth, Sir W.
Moreton, hon. A. H.
Morpeth, Viscount
Morris, D.
Morison, J.
Muntz, G. F.
Murray, Alex.
Muskett, G. A.
Nagle, Sir R.
Noel, hon. C. G.
Norreys, Sir D.
O'Brien, C.
O'Brien, W. S.
O'Callaghan, hon. C.
O'Connell, Dan.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Ferrall, R. M.
Ord, W.
Oswald, J.
Paget, Lord A.
Paget, Colonel
Palmer, C. F.
Palmerston, Viscount
Parker, J.
Parnell, rt. hn. Sir H.
Pattison, J.
Pease, J.
Pechell, Captain
Pendarves, E. W. W.
Philips, Sir R.
Philips, M.
Philips, G. R.
Phillpotts, J.
Pigot, rt. hon. D.
Pinney, W.
Ponsonby, C. F. A. C.
Ponsonby, hon. J.
Power, J.
Price, Sir R.
Protheroe, E.
Pryse, P.
Ramsbottom, J.
Rawdon, Colonel J. D.
Redington, T. N.
Rice, E. R.
Rich, H.
Rippon, C.
Roche, E. B.
Roche, W.
Rumbold, C. E.
Rundle, J.
Russell, Lord J.
Russell, Lord C.
Rutherfurd, rt. hon. A.
Salwey, Colonel
Sandford, E. A.
Scrope, G. P.
Seale, Sir J. H.
Seymour, Lord
Sharpe, General
Sheil, right hon. R. L.
Slaney, R. A.
Smith, J. A.
Smith, B.
Smith, G. R.
Smith, R. V.
Somers, J. P.
Somerville, Sir W. M.
Standish, C.
Stanley, M.
Stansfield, W. R. C.
Staunton, Sir G. T.
Steuart, R.
Stewart, J.
Stock, Mr. Sergeant
Strangways, hon. J.
Strickland, Sir G.
Strutt, E.
Stuart, Lord J.
Stuart, W. V.
Style, Sir C.
Surrey, Earl of
Talbot, C. R. M.
Talbot, J. H.
Talfourd, Mr. Serg.
Tavistock, Marq. of
Thornely, T.
Troubridge, Sir E. T.
Turner, E.
Verney, Sir H.
Villiers, hon. C. P.
Vivian, J. H.
Vivian, rt. hn. Sir R. H.
Walker, R.
Wall, C. B.
Wallace, R.
Warburton, H.
Ward, H. G.
Wemyss, Captain
Westenra, hon. H. R.
Westenra, hon. J. C.
White, A.
White, H.
White, L.
White, S.
Wilbraham, G.
Wilde, Sir T.
Williams, W.
Wilshere, W.
Winnington, Sir T. E.
Winnington, H. J.
Wood, Sir M.
Wood, G. W.
Wood, B.
Worsley, Lord
Wrightson, W. B.
Wyse, T.
Yates, J. A.

TELLERS.
Stanley, E. J.
Tufnell, H.

List of the NOES.

A'Court, Captain
Adare, Viscount
Ainsworth, P.
Alexander, N.
Alford, Viscount
Antrobus, E.
Arbuthnott, hon. H.
Archdall, M.

Ashley, Lord
Attwood, W.
Attwood, M.
Bagot, hon. W.
Bailey, J.
Bailey, J. jun.
Baillie, Colonel
Baillie, H. J.
Baker, E.
Baldwin, C. B.
Baring, hon. F.
Baring, hon. W. B.
Barneby, J.
Barrington, Viscount
Bateson, Sir R.
Bell, M.
Bentinck, Lord G.
Bethell, R.
Blackburne, I.
Blackstone, W. S.
Blair, J.
Blakemore, R.
Blennerhassett, A.
Boldero, H. G.
Bolling, W.
Botfield, B.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Brooke, Sir A. B.
Brownrigg, S.
Bruce, Lord E.
Bruce, C. L. C.
Bruen, Colonel
Bruges, W. H.L.
Buck, L. W.
Buller, Sir J. Y.
Burr, H.
Burrell, Sir C.
Burroughes, H. N.
Calcraft, J. H.
Campbell, Sir H.
Canning, rt. hn. Sir S.
Cantilupe, Viscount
Cartwright, W. R.
Castlereagh, Viscount
Cholmondeley, hn. H.
Christopher, R. H.
Chute, W. L. W.
Clements, H. J.
Clerk, Sir G.
Clive, hon. R. H.
Cochrane, Sir T. J.
Codrington, C. W.
Cole, hon. A.
Compton, H. C.
Conolly, E.
Cooper, E. J.
Coote, Sir C.
Courtenay, P.
Cresswell, C.
Crewe, Sir G.
Cripps, J.
Dalrymple, Sir A.
Damer, hon. D.
Darby, G.

Darlington, Earl of
De Horsey, S. H.
D'Israeli, B.
Dottin, A. R.
Douglas, Sir C. E.
Douro, Marquess of
Dowdeswell, W.
Drummond, H. H.
Duffield, T.
Dugdale, W. S.
Dunbar, G.
Duncombe, hon. W.
Duncombe, hon. A.
Dungannon, Viscount
Du Pre, G.
East, J. B.
Eastnor, Viscount
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Egerton, Lord F.
Eliot, Lord
Ellis, J.
Estcourt, T.
Farnham, E. B.
Farrand, R.
Feilden, W.
Fector, J. M.
Fellowes, E.
Fielden, J.
Filmer, Sir E.
Fitzroy, hon. H.
Fleming, J.
Foley, E. T.
Follett, Sir W.
Forester, hon. G.
Fox, S. L.
Freshfield, J. W.
Gaskell, J. Milnes
Gladstone, J. N.
Gladstone, W. E.
Glynne, Sir S. R.
Godson, R.
Gordon, hon. Capt.
Gore, O. J. R.
Gore, O. W.
Goring, H. D.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Granby, Marquess of
Grant, Sir A. C.
Greene, T.
Grimsditch, T.
Grimston, Viscount
Hale, R. B.
Halford, H.
Hamilton, C. J. B.
Hamilton, Lord C.
Harcourt, G. G.
Harcourt, G. S.
Hardinge, rt. hn. Sir H.
Hawkes. T.
Hayes, Sir E.
Heathcote, Sir W.
Heneage, G. W.
Henniker, Lord
Hepburn, Sir T. B.

Herbert, hon. S.
Herries, rt. hon. J. C.
Hill, Sir R.
Hillsborough, Earl of
Hinde, J. H.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, hon. W. A'C.
Holmes, W.
Hope, hon. C.
Hope, H. T.
Hope, G. W.
Hotham, Lord
Houstoun, G.
Howick, Viscount
Hughes, W. B.
Hurt, F.
Ingestre, Viscount
Ingham, R.
Inglis, Sir R. H.
Irton, S.
Irving, J.
Jackson, Mr. Sergeant
James, Sir W.
Jermyn, Earl
Johnstone, H.
Jones, J.
Jones, Captain
Kemble, H.
Kerrison, Sir E.
Kelburne, Viscount
Kirk, P.
Knatchbull, rt. hn. Sir E.
Knight, H. G.
Knightley, Sir C.
Lascelles, hon. W. S.
Law, hon. C. E.
Lefroy, rt. hon. T.
Lennox, Lord A.
Lincoln, Earl of
Litton, E.
Lockhart, A. M.
Long, W.
Lowther, hon. Colonel
Lowther, Viscount
Lowther, J. H.
Lucas, E.
Lygon, hon. Gen.
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Maclean, Donald
Mahon, Viscount
Manners, Lord, C. S.
Marsland, T.
Marton, G.
Master, T. W. C.
Mathew, G. B.
Maunsell, T. P.
Meynell, Captain
Miles, P. W. S.
Miller. W. H.
Milnes, R. M.
Mordaunt, Sir J.
Morgan, C. M.

Morgan, O.
Neeld, J.
Neeld, J.
Nicholl, J.
Norreys, Lord
Northland, Lord
Ossulston, Lord
Owen, Sir J.
Packe, C. W.
Pakington, J. S.
Palmer, R.
Palmer, G.
Parker, M.
Parker, R. T.
Parker, T. A. W.
Patten, J. W.
Peel, rt. hn. Sir R.
Perceval, Colonel
Pigot, R.
Planta, rt. hon. J.
Plumptre, J. P.
Polhill, F.
Pollen, Sir J. W.
Pollock, Sir F.
Powell, Colonel
Powerscourt, Visc.
Praed, W. T.
Price, R.
Pringle, Alex.
Pusey, P.
Rae, rt. hn. Sir W.
Reid, Sir J. R.
Richards, R.
Rickford, W.
Rolleston, L.
Rose, rt. hon. Sir G.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Rushout, G.
St. Paul, Sir H.
Sanderson, R.
Sandon, Viscount
Scarlett, hon. J. Y.
Shaw, rt. hon. F.
Sheppard, T.
Shirley, E. J.
Sibthorp, Colonel
Sinclair, Sir G.
Smith, A.
Smyth, Sir G. H.
Smythe, hon. G.
Somerset, Lord G.
Sotheron, T. E.
Spry, Sir S. T.
Stanley, E.
Stanley, Lord
Stewart, J.
Sturt, H. C.
Sugden, rt. hn. Sir E.
Teignmouth, Lord
Tennent, J. E.
Thesiger, F.
Thomas, Colonel H.
Thompson, Alderman
Thornhill, G.
Tollemache, F. J.

Tomline, G.
Trench, Sir F.
Trevor, hon. G. R.
Trotter, J.
Tyrell, Sir J. T.
Vere, Sir C. B.
Verner, Colonel
Villiers, Viscount
Vivian, J. E.
Waddington, H. S.
Walsh, Sir J.
Walter, J.
Welby, G. E.
Whitmore, T. C.
Wilbraham, hon. B.
Williams, R.
Wilmot, Sir J. E.
Wodehouse, E.
Wood, C.
Wood, Colonel
Wood, Colonel T.
Wyndham, W.
Yorke, hon. E. T.
Young, J.
Young, Sir W.

TELLERS.

Fremantle, Sir T.
Baring, H.

Paired off.

AYES.	NOES.
Byng, hon. G. S.	Maidstone, Lord
Campbell, Sir J.	Wynn, C. W.
Cave, O.	Burdett, Sir F.
Chapman, Sir M. L.	Colquhoun, J. C.
Cavendish, G. H.	Ashley, hon. H.
Chichester, J. P. B.	Copeland, W.
Crawley, S.	Davenport, J.
Davies, Colonel	Acland, T. D.
Duke, Sir J.	Dick, Q.
Etwall, R.	Peel, Colonel J.
Fenton, J.	Houldsworth, T.
Hurst, R. H.	Acland, Sir T. D.
O'Connor, Don	Jenkins, Sir R.
Pryme, G.	Pemberton, T.
Roche, Sir D.	Corry, right hon. H.
Spencer, hon. F.	Vernon, G.
Shelburne, Earl of	Jones, W.
Stanley, hon. W.	Liddell, H. T.
Tancred, H. W.	Kelly, F.
Townley, R. G.	Bagge, W.
Vivian, Major C.	Williams, T. P.
Walker, C. A.	Kerr, D.

Absent.

Barron, H. W.
Basset, J.
Benett, J.
Berkeley, hon. C.
Chapman, A.
Donkin, Sir R.
Fitzgibbon, hon. R.
Goddard, A.
Hallyburton, Lord D.
Heathcote, Sir G.
Heathcote, G. J.
Jervis, S.
Langton, Colonel G.
Maher, J.
Miles, W.
Monypenny, T. G.
Scholefield, J.
Turner, W.
Wakley, T.

Lord *John Russell* said—I think the House cannot be at a loss as to the course I mean to pursue after the vote which has just been come to by the Committee. We have always stated, that the clause which has now been negatived by the House was the principal clause of the bill, and the foundation on which the superstructure of the bill was built. But, Sir, before I put any motion into your hands, I may perhaps be permitted by the committee to make a very few observations as to the course which has been pursued on this occasion, and the grounds which has been alleged for the rejection of this clause. And let me say, in the first place, that I should not be at all surprised, that I should feel no cause of complaint that this clause, containing a different test of franchise from that established by the settlement of 1829, on the subject of the privileges of the Roman Catholics, and by the settlement of 1832, with regard to Parliamentary representation, that, upon the first proposal of such an alteration, the House should be unwilling to adopt it. But, what does occur to be be some ground of complaint is that which I stated just previously to the division, that I cannot think the grounds on which this clause has been rejected by the right hon. Gentleman, by the noble Lord, and by the party who sit opposite, have been made intelligible either to the Government or to the people. I could understand their saying, "we stand on the principle of the beneficial interest;" I could understand their saying, "we stand on the interpretation of the Acts of 1829 and 1832, and we will admit no departure from that principle;" or I could understand their saying, "we do not agree with the leasehold tenure which is contained in your clause, and we prefer an occupation franchise." But so far as I can understand hon. Gentlemen opposite, they attempt to do that which appears to me inconsistent and incompatible; they take both of these lines of argument, and say they will not depart from the principles of the Acts now in force for requiring a profit, for requiring a beneficial interest; and yet in the same breath, in the same voice they say,they are ready to admit of changes, so to be made in the franchise as to require no beneficial interest—no profit—no adherence to the principles of their acts. So far, therefore, and so far only, I have reason to be surprised, not at the division which has been come to but at the grounds stated for that division. Sir, in speaking further of those who oppose the bill, on the grounds alleged by hon. Gentlemen opposite, allow me to say to them, "If you are not now prepared in any degree to modify the franchise—if you think the mode in which the Government proposed to modify that franchise objectionable, and if you think that no other mode yet proposed to the House can, till the state of circumstances in Ireland be more fully known, be adopted; if you think that no satisfactory arrangement of the franchise can yet be suggested; if such be your principle, on the other hand, you are bound to stand by those provisions in the Acts of 1829 and 1832, which were favourable to the people of Ireland. By the Act of 1829, which was introduced at a time of great ferment—great political disturbance in Ireland—at a time when three-fourths of the King's troops, the infantry at least, were employed in preventing collision in Ireland—by that bill, introduced at such a time, you gave a very restricted franchise—a franchise of a very high amount, but at the same time you proclaimed that there should be an easy admission to that franchise. Next, that the right of voting, once admitted, it should for the future be secure; that if the right of voting were refused the claimant, and only when the right was refused, he should have the power of appeal to a jury on a question of fact, and to a Judge on a question of law. You provided likewise that if, on the first trial, a vote were admitted, or if rejected on the first trial it should be admitted on appeal, that vote should remain on the register. What I wish to say is this, the House having rejected a change or innovation which we thought justified by the occasion, and which we thought justified for reasons which on us, less impressed, perhaps, with dangers of innovation, were more likely to prevail, than upon those who held it more indispensable to adhere to the established law; if, after adhering to that principle, you do not also adhere to those provisions of law which are favourable to the people of Ireland, and which you yourselves established—which you established at an important period, when everything was in jeopardy and danger—if you do not adhere to those principles, but act against the people, I ask you, will you not give them just cause of complaint, and incur a danger which you should seek to avoid? In saying this I do not wish to refer to any future debates. I only wish to take a ground which I think I am justified in maintaining. Sir, there were others who took a very different line. My noble Friend, the Member for Northumberland, and my hon. Friend, the Member for Halifax, especially, who complained of the formation of the nature of the franchise, and differed much from the mode in which the clause was framed. My noble Friend, the Member for Northumberland, in the last speech which he made on this subject, imputed considerable blame to the Government, because, as it appeared to him, we had not sufficiently conceded—because we had not shown sufficiently a disposition to conciliate, and stated, that had such a disposition been shewn some arrangement might have been come to by which we might have arrived at a fair settlement, and have tranquillized the minds of the people on the subject. Others, for instance the hon. Member for Kilkenny and the hon. Member for Finsbury said, that we were of too vacillating a disposition—that we had not adhered to what we had proposed, and that we should have shown more firmness. Now, Sir, when I hear discussions of this kind, I cannot help being reminded of a scene in the comedy of *The Rivals*, where *Falkland*, who, being of a rather jealous and hasty temperament, having just driven his mistress from the room,—calls her back—fancies he hears her coming, and exultingly exclaims, "How changeable, how vacillating are women! What! coming back again—was ever woman known so fickle and easy?" then, finding she did not come, exclaiming in a different mood, "What! she's not coming back after all; was ever anything so proud, obstinate, and perverse? Such seems to be the position these hon. Friends of ours place us in—the one party thinking we have not been sufficiently yielding and conciliatory towards our opponents—the other complaining of us for the slightest departure from what we originally proposed. Of course, I need not refer again to the arguments between us and those hon. Friends who differed from us. But I have one word to state on the real question between us and my noble Friend, the Member for Northumberland, namely, the question whether leases should be introduced or not. I think it most desirable to state, that the Government formed their opinions from the opinions of those connected with the executive Government of Ireland. For that purpose I have had private and official consultations with the Lord-lieutenant of Ireland, with the Chief-secretary for Ireland, and with the Attorney-general for Ireland. Their separate and deliberate opinion on the question of the admission of the lease—the opinion of these high persons, the two first connected with Ireland by office, and the third, the Attorney-general, not only by offic , but as the country to which he belongs, and in which he has chiefly lived—was unanimous that the introduction of the lease was necessary. I put it, then, to my noble Friend, the Member for Northumberland, whether the Government would have been justified, with such opinions, in placing the franchise on the basis of occupation? Sir, I shall only further refer to what fell from the hon. and learned Gentleman, the Member for the city of Dublin. I have often had occasion unfortunately to differ from that hon. and learned Gentleman as to the allegations which he has made with regard to the disposition of the people of England towards the people of Ireland, and I have not concealed that difference from the House. But I was glad to hear him state to-day, that it would be a great consolation to the people of Ireland, and a great security also, if they could always consider there was a large party in this House attached to their interests, and anxious to promote them. I was glad to hear that statement from the hon. and learned Gentleman, and, on my part, I sincerely believe, that there does exist in this House that party, and that it is a great and a numerous party. Nor, Sir, is it a new thing in the history of this House, because the part which the noble Lord, the Member for Northumberland has taken with regard to this bill cannot but remind me that when the noble Earl to whom he is so nearly related was at the head of the party to which we belong, they were content in 1807 to abandon office and retire, because they had proposed additional privileges to the Roman Catholics, and in 1817 were contented to see those privileges granted by the hands of their opponents. In 1812 they were contented to forego office, because they thought the recognition of the privileges of the Roman Catholics essential to the welfare of the State, and to gladly and actively co-operate in carrying that great measure of emancipation when it was afterwards proposed by their political opponents. I had but little part in these transactions, having nothing but the honour to belong to that party; still I do think I am justified in saying, that the people of Ireland ought not to be told there is not a party willing to be the advocates of their interest, and to endeavour to advance their liberties, when there is upon the record of history such a proof of the determination of a party to promote those interests and to make sacrifices for their good. Sir, the hon. and learned Gentleman has said, that it has been the practice of the present Government to endeavour to defend the people of Ireland from oppression; that it has been the endeavour of the Government of Ireland to steer with justice in these respects between all parties; to do what was necessary for the protection of the people of Ireland; to do what was just towards that people; and considering that they had long been the victims of an unjust system of Government, to enable them to carry further and to a greater extent that active improvement which commenced under a former Administration. Sir, I have nothing further to address to the House with respect to this subject. It may happen at some future time that, weighing all the circumstances of Ireland, the various parties in this House will be more disposed to agree in some measure which will fix the franchise of Ireland, and at the same time improve the registration. I am satisfied that no bill will prove really effectual, and cure all the evils which now exist in Ireland, unless it be based on a definite franchise. I shall consider any further discussion on the danger of this bill entirely fruitless. I consider that a prolongation of the discussion would rather tend to prevent than to promote that which I hope will ultimately be the case, viz., such an agreement of parties that the people of Ireland will have no right to say their interests are neglected, or their just requests refused; and on the other hand, that anything that may be granted or established by vote of Parliament may be consonant with the maintenance of that constitution with the continuance and permanence of those institutions to which the Government and the great majority of this House are, as I believe, unalterably attached. Sir, I beg leave to move, that you do now leave the Chair.

Sir *R. Peel* was sure he should only state that which would be in conformity with the prevailing feeling of the House, when he gave his opinion that there would be no public advantage obtained from a prolonged discussion upon the motion which had just been made by the noble Lord opposite; and for his own part, he should have abstained altogether from any remarks upon the present occasion, if the noble Lord had not commenced his speech by preferring a complaint against himself and those with whom he was in the habit of acting, for their conduct in reference to this bill. The observations, however, which he should make, he could assure the House, should not be in a different tone and temper to those of the noble Lord. The complaint made by the noble Lord was, that he and his party had not distinctly expressed their objections to the clause of the noble Lord. He thought at least that the noble Lord could have no ground to complain of the Parliamentary course taken by himself and his friends on this occasion; for they had endeavoured from the first to have a fair division on the merits of the question at issue, and to avoid any species of act which should retard or interfere with that result. And was not this, after all, he would ask, the manly and straightforward course to pursue? The noble Lord had undertaken to introduce a measure to define the franchise and amend the registration of Ireland. In preparing himself for this task the noble Lord had every opportunity of consulting all the various documents which at all bore upon the subject, and having consulted all these authorities, he came forward with a deliberate proposal to make a leasehold occupancy, combined with rating, the material of a franchise for a county elector. But the noble Lord had rejected altogether the beneficial interest as an ingredient in the qualification for the franchise, and therefore, he and his friends had refused to agree to the noble Lord's proposal. The noble Lord then complained that he could not understand what he and his friends meant to propose instead of that which they had rejected. Why this was matter of detail, and none but a Government could deal with details of this kind, none but a Government could undertake a measure amounting to a new Reform Bill, and state all its details at length; but he thought, nevertheless, that enough had been said on his side of the House, to define the course which they should pursue on this subject in case the Government measure were defeated. The noble Lord said, he could not understand a principle of beneficial interest combined with occupancy. Why, that principle was well understood, and in operation in England; and if the noble Lord insisted upon an analogy between the institutions of the two countries, why should he resist this principle in reference to Ireland? He thought, therefore, that the noble Lord's complaint of concealment was entirely without foundation. The noble Lord had referred with some asperity—with an asperity unusual to him—to these subjects of complaint. He was sure that after what he had felt last night, when he contemplated the position in which the noble Lord was placed, he could readily make some little allowance for asperity, when speaking on such an occasion. When he heard the Vice-President of the Board of Trade, and the hon. Member for Kilkenny, and others of the noble Lord's supporters, indulging in mutual recrimination with respect to the policy of the Government in this affair, he confessed that he could not help thinking that the noble Lord must have felt a little annoyed when he looked across the Table from his seat, and contemplated the contrast which the unanimity prevailing on his side of the House afforded. The noble Lord complained of his (Sir R. Peel's) recklessness in following in the steps of his noble Friend, the Member for North Lancashire, whilst, on the other hand, on Monday he was taunted with having departed from his noble Friend's principles on this subject. He was accused at one time of having endeavoured to outstrip his noble Friend in popularity by professions of much larger liberality, and another time he was taunted with following his noble Friend with servile submission. He could only say, that he bore all these charges with great indifference. He was perfectly satisfied with the union and mutual confidence which happily prevailed between him and those with whom he acted; and at the same time he could not help feeling sincere sympathy and regret for the position in which he saw the noble Lord placed. When he saw the noble Lord, having to contend with all sides of the House, finding the lovers whom he had intended to court making such ungracious return to his advances, the only lover indeed whom the noble Lord had succeeded in gaining over being the hon. Member for Shrewsbury, and in conciliating whom he found he had forfeited the favour of the hon. Member for Oldham, to say, nothing of the hon. Member for Kilkenny, and others—when he recollected all these things, he certainly would not allow himself to be provoked to make any attempt at retaliation, nor to use any harsh expression towards the noble Lord. But when the noble Lord argued that, in order to obtain a great political result, it was right to endeavour by conciliation to gain over the opponents of the measure to a more favourable consideration of it: whilst he admitted the propriety of this observation, he at the sam time thought it was a very different matter after having taken six or eight months to digest all the facts and bearings of the question, and then having deliberately retermined upon a *5l.* franchise, an amount which they thought consistent with reason and justice, and which ought to satisfy the reasonable expectations of the people of Ireland, and produce only that gradual and moderate increase of the franchise which was unfavourable to the growing population of the country, and then after gravely and deliberately taking up this position, for the Government, without an opinion having been expressed by the House on the subject, but merely to gratify one or two individual Members of it, to come down and propose to raise the franchise from *5l.* to *8l.*; this was a course which he said was perfectly different from that of making rational concessions to hostile parties whom it was impossible successfully to resist; and such concessions, uncalled for by the House, and made apparently without any sufficient prevailing reason, must in his opinion destroy all confidence in a Government's adhering even to its own propositions. To show the sweeping effect which this one alteration would have upon the constituency of Ireland, the *5l.* franchise originally proposed by the noble Lord would give a constituency of 113,548 souls; and then without one word being said by the House against that proposition, but merely from something which had been said to him by one or two individual Members, the noble Lord had come down with a proposal to substitute an *8l.* franchise, which would give a constituency of only 76,400, being a diminution of nearly 40,000. Now what if, when the noble Lord proposed his *5l.* franchise, he had proposed an *8l.* franchise instead? Should he not have been told that he was an enemy to Ireland?—should he not have heard contrasted the number of electors which a *5l.* franchise would give, with that which they would be reduced to by a franchise of *8l.*? Would he not have been told that he had thus struck off 40,000 voters, and had thus gone far towards preventing the people of Ireland from having that full and fair representation which they deserved to enjoy? Why, was not this the very question in dispute on the Municipal Corporations Bill, a question between an *8l.*, and a *10l.* franchise? In the amendment which they then moved on this side of the House, he and his colleagues were met with all the opposition of the noble Lord and his friends; but now the noble Lord was brought to think that it mattered very little between a *5l.* and an *8l.* franchise for Parliamentary electors; still professing, however, the same regard for popular rights and constitutional privileges, and still denouncing the Opposition as the enemies of the people.

Viscount *Howick* was understood to say, that his complaint against the Government on this question was that they had not paid sufficient attention to the real state of the case, and the nature of the difficulties with which they would have to contend in disposing of it; that they had not proposed such a measure as, according to their own showing, would meet the evil they wished to remedy, nor had founded it upon such a statement of facts as should induce the house to adopt it. When the noble Lord told him, with regard to the leasehold qualification, that he had the authority of three persons very high in the Government of Ireland in favour of that feature, and appeared to think he ought to bow at once to such a weight of authority, he begged to say that, although he had a very high respect for the noble Lord, the Lord-lieutenant of Ireland, and the other two noble and learned persons mentioned by his noble Friend, still he must not allow himself to forget his duty as a Member of Parliament, which required that he should look at the facts and reasonings on which the proposition was grounded, before he gave his adherence to it. When, therefore, he was told that one of the chief evils in the Irish registration arose out of the indisposition of the landlords of that country to grant leases, he could not, in common sense, come to any other conclusion than that the best way of guarding against that evil was by adopting a franchise upon occupancy. He could not shut his eyes to the fact which the commissioners appointed by ths Government itself laid before him. Several hon. Members had taken the same view of the points to which his noble Friend had adverted that he had done; and he must be permitted to say, that the vote which he had given did not by any means tend to show that he did not belong to the number of those who held, and always had held, tha t a conciliatory policy ought to be adopted towards Ireiand. By his nearest connexions he had been educated in those principles under the guidance of which, he had, when in office, co-operated with his noble Friend, and now, when he regarded the results of those principles as matters of history, he felt that he and his Friends could look back upon them with pride. He had been educated in the wisdom and justice of adopting a liberal policy towards Ireland; of placing confidence in the people, of relying upon their loyalty and good sense, and of treating them generally with conciliation. To those principles he still adhered. He was anxious to see the questions which now disturbed Ireland settled in a manner satisfactory to the people of that country, and therefore advantageously to England. Acting, then, upon these principles, he claimed the right of exercising his own judgment as to the modes in which they were to be carried out.

Mr. *Slaney* said, the right hon. Baronet opposite was mistaken if he thought him the only Member on that (the Ministerial) side of the House who was unfavourable to a *5l.* franchise. Several hon. Members thought it too low. He said, he was willing to give a franchise equivalent to a liberal construction of the Reform Bill, and he considered an *8l.* franchise to be founded on that principle. He should on no account wish to dissent from it.

The *Chairman* then put the question that he do leave the Chair. Agreed to. The House resumed.

Drainage (Ireland.)] Visct. *Morpeth* moved the Order of the Day for the committal of the Drainage (Ireland) Bill.

Mr. *F. Shaw* objected to the measure being proceeded with in the then state of the House. Most of the Members connected with Ireland, on both sides of the House, had gone away, and some were out of town, and it would be improper to proceed with it in their absence.

Mr. *S. O'Brien* suggested that the Committee on the Bill be fixed for some Wednesday at five o'clock.

Viscount *Morpeth* consented to the postponement of the measure, which was postponed accordingly.

The Fine Arts.] Mr. *Hawes* moved for the appointment of a Select Committee to take into consideration the promotion of the fine arts of this country, in connection with the rebuilding of the Houses of Parliament.

Mr. *Hume* hoped, under the present circumstances in which the House was placed, and the hon. Member not having stated what his plan was, that he would postpone it for the present.

Mr. *Ewart* saw no necessity to defer the measure, as there was no opposition to it.

Lord *John Russell* thought the question might as well be put then as at a future time.

Motion agreed to. Adjourned.

HOUSE OF LORDS,

Friday, April 30, 1841.

Minutes.] Bills. Read a first time:—Conveyance.

Petitions presented. By the Earl of Mountcashel, from places in Ireland, in favour of Non-Intrusion.—By Lord Poltimore, from places in Devonshire, for the Abolition of Church Rates.—By the Earl of Rosebery, from the Chamber of Commerce of Edinburgh, against any interference with the system of Banking in Scotland; and from the Mayor, Aldermen, and Corporation of Bath, in favour of the Jews Declaration Bill.—By Earl Fitzwilliam, from Plymouth, against the New Poor-law.—By Lord Lyndhurst, from Birmingham, to be Excluded from the Operation of the Borough Improvement Bill.—By Lord Wharncliffe, from the Trustees of Turnpike Trusts in Yorkshire, for Relief, as they were obliged to maintain the Roads although traffic on them had nearly ceased.—By the Marquess of Normanby, from Birmingham, in favour of the Borough Improvement Bill.—By Earl Stanhope, from Derby, against the Bill.

Drainage of Towns.] The Marquess of *Normanby* rose to move the farther consideration of the report of the committee on the Drainage of Towns Bill. He had postponed, he said, this stage until this evening to allow of some farther consideration of the clauses which had reference to Scotland. That delay had been productive of some good, as it had given rise to an amendment which had reconciled noble Lords connected with that country to the bill. The alteration would have the effect of giving to the sheriffs of counties powers to carry out the provisions of the bill.

The Marquess of *Salisbury* moved the insertion of a proviso to the 5th clause,

"That it shall not be lawful for the commissioners to impede, interrupt, or interfere with the application of any streams or water-courses for the turning of mills, or any other lawful purposes, or divert any such streams or water-courses from their course, without the consent in writing of the parties interested in such streams or water-courses, and the owners of the lands on either side of such streams or water-courses."

Lord *Ellenborough* objected to the clause as restricting the commissioners in the supply of water absolutely necessary for the cleansing of the towns. The noble Marquess, in moving the clause, had in view the interests of the city of Edinburgh. He objected to the introduction of a general clause to effect a particular purpose.

The Marquess of *Salisbury* begged to correct his noble Friend. There were many towns, besides Edinburgh, which would be affected by the bill.

The Earl of *Wicklow* said, that the want of a proper system of drainage had been proved in evidence to exist to an extent very annoying to the immediate neighbourhood of Edinburgh. Indeed it had gone to such an extent as to be assigned as a reason why the Queen could not inhabit her palace of Holyrood. Under such circumstances he could not see why the noble Marquess should, at the present stage of the bill, propose to exclude Edinburgh from its operation, which would have the effect of continuing the nuisance so much complained of.

Viscount *Melville* said, that the effect of the bill, as the particular clause was now formed, would be to injure the property of individuals to a great extent. In one case, property of not less than 3,000*l.* a-year, would be affected by the provisions of the bill; and as it was property that had been held from time immemorial, he for one was not prepared to destroy it without compensation. As to what had been said on the subject of Holyrood House he would only observe that the Palace had been inhabited by some of the first persons in the country, without any complaint being made, and that some of the longest lived persons in the kingdom had resided in the immediate neighbourhood. He hoped that their Lordships would not, under the mask of what was declared to be a measure for the general good, do a positive injustice to individuals.

The Marquess of *Salisbury* protested against being charged with a wish to perpetuate a public nuisance. When the subject was first introduced there was no intention of including Scotland in its provisions, and the parties interested had therefore no opportunity of proving their case.

The Earl of *Wicklow* observed, that when the bill was read a second time he had called their Lordships' attention to a part of the report on which the noble Marquess had founded his bill, and requested that they would take full time to consider it. It was entirely upon the evidence in that report that he had founded his observations, and he had had no desire to interfere with the property of individuals. He did not hesitate to say, that the noble Marquess was in error, when he said, that the extension of the bill to Scotland was not contemplated till the bill went into committee. But it was found, that the working provisions necessary to apply it to Scotland, were different from those required for England, and therefore it was agreed, that separate clauses should be moved in the whole House. If, as the noble Viscount said, the parties in Edinburgh affected by this bill were entitled to compensation, then the owners of every piece of land in the kingdom that was interfered with for the purpose of this measure, would have an equal claim. He could not but think it a public nuisance for common sewers to be made use of for the pecuniary benefit of individuals who were not even resident, but merely held property there.

Viscount *Duncannon* said, it had been found absolutely necessary to indict certain persons in the neighbourhood of Holyrood House, so great was the nuisance.

The Marquess of *Normanby* said, it had been decided to be necessary that the bill should be extended to Scotland, and as there was a difference of opinion in committee as to what should be the nature of the clauses, they were left to the House to decide upon. With regard to the amendment of the noble Marquess, he would say that, as, on investigation, it had been found, that there was some necessity for it as regarded the meadows in the neighbourhood of Edinburgh, he would not object to it, if he would confine it to that city, and not extend it to the other towns.

The Earl of *Haddington* said, he was himself owner of a meadow in the neighbourhood of Holyrood-house; and when George 4th was there, no complaint whatever was made. He thought that the clause of the noble Marquess was absolutely necessary, as an act of justice to the proprietors of property that would be affected by the bill.

The Marquess of *Salisbury* then proposed to modify his amendment, so as to confine its operation to within ten miles of Edinburgh.

The Earl of *Mountcashel* hoped that the injustice would not be committed of confining the amendment to the neighbourhood of Edinburgh, but that it would be extended to other towns.

The Marquess of *Normanby* remarked, that the last observation of the noble Earl was itself a proof of the great inconvenience of adopting exclusive legislation, except under very peculiar circumstances. Would not the proviso to the ninth clause answer every object which the noble Marquess had in view? This bill was not intended to injure the property of any persons without giving them due compensation, but as the case of Edinburgh was the only one of which their Lordships had cognizance, he had no objection to include that.

The Marquess of *Salisbury* said, that he felt bound to take the sense of the House on his proposition. He had originally wished that it should be general in its operation, but he had no objection to confine it to Edinburgh.

Lord *Lyndhurst* remarked, that there were places in Ireland with as strong claims.

Lord *Ellenborough* said, that the case of Edinburgh had been twice mooted before the committee, and he was bound to conclude that the committee had come to a just conclusion. By the noble Marquess's present proposition Edinburgh alone would be protected, and the effect of his more general proposition would be, to say that only rain water should be used in drainage throughout the country.

Amendment withdrawn.

The Earl of *Haddington* gave notice, that on the third reading he should move an amendment, the effect of which would be to devolve on the commissioners all the duty which, under the bill would devolve on the Sheriff.

Report received. Bill to be read a third time on Tuesday.

Building Regulations.] The Report on the Buildings Regulations Bill was also received, and the bill ordered to be read a third time.

Borough Improvements.] Report on the Borough Improvement Bill was taken into consideration.

Lord *Calthorpe*, on presenting a petition from Birmingham, praying that that borough should be excluded from the bill, stated that the power given to the Commissioners was excessive.

Lord *Lyndhurst* gave notice, that on the third reading he should propose, that in accordance with the prayer of the petition just presented, Birmingham should be excluded from the operation of the bill; and another, that as the Charter of Bolton was now the subject of litigation, nothing in the present bill should affect the question at issue.

Report received. Bill to be read a third time.

Australia.] Viscount *Duncannon* moved the Committee on the Australia Loan Bill.

The Duke of *Wellington* said, I will take this opportunity of throwing out a suggestion, that it would be much the best plan to put an end to all the Australian Commissioners, to whom allusion is made in the bill before your Lordships, altogether. A worse system was never adopted for the management of a colony. We ought to place that colony, as the other colonies under the Government of her Majesty, and rule it in the usual way by the Colonial-office. I disapprove of these commissions altogether.

The Bill was then committed, and its third reading fixed, as we understood, for Monday, until which day their Lordships adjourned.

HOUSE OF COMMONS,

Friday, April 30, 1841.

Minutes.] Bills. Read a first time:—Stamp Duties; Law Proceedings.—Read a second time:—Insolvent Debtors (Ireland).

Petitions presented. By Viscount Sandon, from Liverpool, for a revision of the Commercial Tariff.—By Mr. Ewart, from Liverpool, and Mr. M. Phillips, from Manchester, for the Removal of all Restrictions on Trade, and the Total Repeal of the Corn-laws.—By Mr. E. Tennent, and Mr. Wallace, from the North of Ireland, and Greenock, against Lay Patronage in the Church of Scotland.—By Mr. E. Tennent, from Lambeth, for throwing open the Bridges.—By Mr. Brotherton, from the Baptists of Norwich, praying that Dissenters might be exempted from the necessity of taking Oaths.—By Mr. Walter, from Nottingham, for Church Extension; and from a Union in Shropshire, against the New Poor-law.—By Mr. G. Berkeley, and Mr. B. Wood, from Bolton, and other places, against Church Rates.

Corn-Laws.] Lord *J. Russell* gave notice that on Monday, the 31st of May, he should move that the House resolve itself into a Committee of the whole House to consider the acts relating to the trade in corn.

Mr. *Lucas* begged to remind the noble Lord, that Monday, the 31st of May, was Whit Monday; and he wished to know whether it was his intention to bring forward his motion with respect to the Corn-laws on that day.

Lord *John Russell* said, as the 31st of May would occur in Whitsun week, he should bring it forward on the next order day afterwards.

Colonel *Sibthorp* said, it was almost impossible to be surprised at anything that was done by the Government, but could any one conceive it possible—he would ask was it, or was it not, the intention of the noble Lord to bring forward a discussion on the Corn-laws—could it be believed that any individual holding so important a station as the noble Lord could gravely come down to the House and give notice of so important a motion without that due preparation for which the House had a right to look?

THE BUDGET.] The House in Committee of Ways and Means,

The *Chancellor of the Exchequer* said, that the vote which he was about to put into the hands of the Chairman was one of the usual votes of the Session for the issue of Exchequer bills necessary for the public service to pay off Exchequer bills now outstanding. The vote itself would in reality occasion no discussion; but he made it the occasion of addressing the House, with the view of laying before them, at as early a period as possible, a statement of the financial prospects of the year, and of those measures which her Majesty's Ministers proposed to recommend for the consideration of Parliament. He should detain the House while he endeavoured to bring the case before them in as few words and as clearly as possible. He should first call their attention to the statements which were made by him last year, of the expectations which he had of the income and expenditure for the year. There had been some alterations after the first statement, but hon. Gentlemen would find that the expenditure of last year had been estimated at 49,499,741*l.*, and the income at 48,641,000*l.* leaving an estimated deficiency of 858,000*l.* It was proposed to meet that deficiency, arising from extraordinary expenses, and from taxes not coming into operation, by a vote of Exchequer bills, which was reduced to 800,000*l.* in consequence of the French Treaty not coming to a conclusion. Looking to the actual results of the year, which hon. Gentlemen would find in the paper he had just put before them, it would appear that the actual expenditure and income were as follow:—

Actual expenditure . .	£49,285,396
Actual revenue . .	47,443,399
Deficiency . .	1,841,997

This was a deficiency much larger than had been estimated. The House would recollect that 800,000*l.* of the deficiency was proposed to be met by a vote of Exchequer bills. This left one million deficiency beyond what was apprehended. Perhaps it would be advisable that he should state the actual expenditure and income, as compared with the estimated expenditure and income. They were as follow:—

Estimated expenditure .	£49,499,741
Actual expenditure, as appeared from the returns .	49,285,396
Showing an amount of expenditure below the estimate of . . .	214,345

Hon. Gentlemen would recollect that the actual issues of the year did not precisely correspond with what was the expenditure for the service of the year, and they would find, with regard to the navy, that although the sums issued appeared less than the estimate, the expenditure did in fact exceed it. The income, as compared with the estimate, was as follows:—

Estimate	£48,641,000
Actual	47,443,399
	£1,197,601

It was a natural question—from what arose the great deficiency in reference to the estimates laid on the Table of the House? He thought he should be able to show the House that it had not arisen from the additional taxation which had been laid on, or from the manner in which it was laid on, but from a falling off in the revenue, which would have taken place although that additional taxation had not been imposed. The House would recollect that the estimate of the Customs and Excise added five per cent. to the amount of the former year; and, undoubtedly, when they came to look at the first two quarters of the year 1840, the returns would be found to bear him out in the estimate he had formed. The increase on these two quarters appeared to be as follows:—

CUSTOMS.

	Quarter ended 5th April, 1839,	£4,411,569
	„ 5th April, 1840,	4,572,623
	Increase .	£161,054
	Quarter ended 5th July, 1839,	£4,871,333
161,054	„ 1840,	5,137,934
266,601	Increase . .	266,601
427,655		

EXCISE.

	Quarter ended 5th April, 1839,	£1,841,511
88,485	„ 1840,	1,929,996
141,640	Increase . .	£88,485
230,125		
	Quarter ended 5th July, 1839,	£2,570,311
	„ 1840,	2,711,951
	Increase . .	£141,640

Therefore, so far as regarded the early part of the year, the expectations he had entertained of the revenue were equalled if not exceeded by the result. He wished to state some of the particular articles in order that the House might see where the falling off had taken place. He had directed returns to be made of the last year—not the last financial year—of articles in which there had been an increase or a falling off. That return was as follows:—

(Comparison of years, 1839—1840, as to gross receipts.)

Articles in which there has been an increase, both in quantity and amount of duty:

	Increase of quantities.	Inc. in amt. of Duties.
Butter	35,724 cwts.	£ 44,295
Cheese	18,367 cwts.	13,417
Coffee	1,891,549 lbs.	143,009
Olive Oil	173,900 gals.	2,410
Pepper	98,727 lbs.	4,608
Silk (raw and thrown)	427,482 lbs.	12,657
Timber	74,573 loads	111,495
Cotton Wool	175,430,954 lbs.	233,590

Articles in which there has been a decrease in quantity, and an increase of duty:—

	Decrease in quantity.	Inc. in amt. of Duty.
Raisins	1,109 cwts.	£3,560
Tallow	33,972 cwts.	1,460
Tobacco	71,429 lbs.	95,892
Deals, &c. from British America	782 gt. hds.	19,911

He wished more particularly to call the attention of the Committee to those articles on which there had been a decrease both in quantity and amount of duty, because he was sure, with regard to the principal ones, that hon. Members would at once observe the grounds of decrease, and see, that they were not unnatural:—

Articles in which there has been a decrease both in quantity and amount of duties:

	Decrease in quantity.	Dec. in amt. of duties.
Currants	6,136 cwts.	£ 811
Molasses	111,655 cwts.	39,578
Spirits	379,121 gals.	168,753
Sugar	250,343 cwts.	163,335
Tea	2,873,767 lbs.	186,102
Wine	397,978 gals.	43,254
Sheep's Wool	3,412,166 lbs.	14,631
Deals (European)	1,664 gt. hds.	8,378

He need not explain to the Committee, that the falling off in the two articles of molasses and sugar did not arise from any unwillingness in the country to consume such articles, but from the prices they bore in the market. For the falling off in the imports of French spirits there was an obvious reason in the French commercial treaty. The other main article in which there was a falling off was tea; and he need not suggest to the committee, that the cause was in the state of our relations with China, and the rise in the price of the article thereby occasioned. In the Excise, the falling off was in Ireland. The increase and decrease in England and Ireland had been as follow:—

EXCISE REVENUE.—EXCHEQUER PAYMENTS.

GREAT BRITAIN.

Year ended 5th April, 1840	£12,040,000
Year ended 5th April, 1841	12,530,000
Increase	£ 490,000

IRELAND.

Year ended 5th April, 1840	£1,497,000
Year ended 5th April, 1841	1,143,000
Decrease	£ 354,000
Of this deficit—Spirits	£305,000
Of this deficit—Malt	45,000

Thus there was a decrease in the Excise in Ireland of 354,000*l.* If that had arisen from the smuggler having driven the legitimate trader out of the market, he should look upon it with the deepest regret; but from all he could learn from the uniform opinions of Gentlemen connected with Ireland, and from the statements of revenue officers, who were best able to give official information, he felt assured, that the deficiency had arisen from increased habits of temperance in the people. He owned, therefore, that however inconvenient it might be to make the statement he was now to make, he should be ashamed of himself, if he did not make the announcement with the greatest and most sincere pleasure. He might mention, that in the accounts of the last quarter, there appeared an increase on the articles of tea, coffee, and sugar, in Ireland, though not equivalent to the falling off in the article of spirits. With respect to other articles, he should just mention, the increase which had taken place, in order to show, that the falling off in the Excise, showed no material defalcation in the resources of the country. With this view he had had a paper drawn up which showed the per centage increase and decrease on all exciseable articles compared with the average of the last three years. It was as follows:—

Increase per Cent. in the Quantities of Exciseable Articles charged with Duty, in the Year ended 5th January, 1841, *compared with the Average of the three preceding Years.*

THE UNITED KINGDOM.

Auctions		Increase	6½	per cent.
Bricks		”	13	”
Glass	Flint	”	4⅔	”
	Plate	”	30⅔	”
	Broad	”	21¾	”
	Green	”	13½	”
Malt		”	5¼	”
Paper		”	4 1-6	”
Post Horse Licenses		”	3	”
Soap	Hard	”	5⅓	”
	Soft	”	1	”
Vinegar		”	12	”

Decrease.—The quantities of the following articles charged with duty have decreased:—

Glass, Crown	Decrease	1-20	per cent.
Hops -	„	81	„
Licences -	„	2⅓	„
Post Horses	„	10½	„
Spirits -	„	13¾	„

The diminution in licences, was partly the result of the decreased consumption of spirits in Ireland, and partly the consequence of the bill passed last year with respect to the sale of beer. The articles of stamps and taxes had both produced more than the estimate. Postage had been estimated beyond the actual produce by 116,000*l.*; but this had not arisen from any mistake in the calculations of his noble Friend, the Postmaster-General, as to the increase of letters, but from increased expenditure to carry on the augmented business of the department. The large additional assistance which had been required from the greater number of letters, from the changes in connexion with railways, from the spreading of double posts, and the accommodation afforded to the public in registering money letters, had rendered necessary an increase of the Post-office establishment beyond what his noble Friend, the Postmaster-General, had contemplated. The calculation of the increase of letters had not been erroneous, but the net revenue had been diminished by the increased charges. He had now stated to the House the amount of the actual income and expenditure of last year, the amount of the deficiency which appeared, and laid before them such information, without overwhelming them with details, as might enable them to see the sources of the falling off which had taken place. It was next his duty to lay before them the expectations which he entertained of the revenue and expenditure for the ensuing year. He calculated the interest on the debt would be 29,420,000*l.*, the other charges on the consolidated fund 2,400,000*l.* The whole charge on the consolidated fund would be 31,820,000*l.* The expense of the army was 6,587,614*l.*, and the navy (inclusive of 191,199*l.* debt of a former year) 6,805,351*l.* The Ordnance was 2,075,803*l.* The next item was the miscellaneous estimates, that included sums which were actually on the Table of the House, and also sums that should be laid on the Table of the House in a short time. The miscellaneous would amount to 2,935,008*l.* There were, moreover, two estimates which referred to the expenses of Canada, and also the expenses for China. The estimate for Canada was 108,000*l.* Now, as to that estimate, he was not prepared to state, that in the course of the present year he should be able to lay it before the House in detail, as he would wish; but he should make the endeavour for the future to avoid a course that he thought had lasted long enough, and that he admitted was very objectionable; for he thought that it was necessary that Parliament should have the sums it was called upon to grant voted more specifically than hitherto had been the practice. This estimate, as it referred to Canada, included the sums necessary to be expended. As to China, the House had before it already such information as he was able to give, and they were apprised that the charge made by the East India Company against the Government was 475,000*l.*, which was, according to the estimate as made up to-morrow, the 1st of May, 1841, the termination of the East India Company's financial year. That, however, was the whole of its claim, remaining due up to that day, amounting to 475,000*l.* as claimed by them; but of course the House was aware that there might be differences as to the details between the East India Company and the Government. He apprehended, then, that if he made provision for the 400,000*l.*, and left the remaining 75,000*l.* still to be provided for, he might in point of fact, satisfy the East India Company. He had not made up the calculation from any supposition that the expenditure would terminate earlier than had been first supposed; but he took it that the 75,000*l.*, if due, was not to be paid until the account was entirely wound up. If, then, Gentlemen had followed him in his figures, they would find, as to the expenditure, that the total of the charges on the consolidated fund were 31,820,000*l.* The items altogether were,

Army, commissariat, and militia .	£6,587,614
Navy, inclusive of 291,199*l.* of debt	6,805,351
Ordnance . . .	2,075,803
Miscellaneous . .	2,935,008
Canada . . .	108,000
China . . .	400,000
Consolidated Fund . .	31,820,000
Total . .	£50,731,776

He now proposed to state to the committee the estimate which he should make of the coming revenue; and in so doing he would plainly state, that although last year, as he had mentioned, he was prepared to take a favourable view of their prospects for the year, yet he endeavoured in the present year, finding that the difficulties which he had hoped would have passed over last year were still continuing, he had endeavoured by communications with those in his department—with those officers in the Treasury who were best able to assist him by their experience—he had endeavoured to take an estimate which he could tell the House was one of a very sober character. He thought he should be able to show Gentlemen that what he was stating would turn out to be correct. Last year the Customs were 21,701,595*l.* Every one knew that it was not a favourable Customs' year: when, on the other hand, they were aware that the increase of 5 per cent. did not touch the duties for full six weeks. He estimated the income of the Customs for next year at 22,000,000*l.* Then as to the Excise. The actual produce of the Excise for the last year was 13,673,088: of the increase caused by the 5 per cent. upon the Customs, it was impossible to tell how far it operated; but it was not so with respect to the Excise duties. With regard to the Excise, they had this advantage, that, in many things, as in the malt duty, which being for a long time not available, or already charged; they were, therefore, able exactly to tell what the amount would be. The Excise, for the last year was 13,673,088*l.* He was assured that it would be 14,000,000*l.* for the next year. It was calculated that it would be about 2,000*l.* less; but he stated in round numbers as 14,000,000*l.* The stamps in the last year produced 7,183,390*l.* He put them down for the next year at 7,130,000*l.* The taxes last year produced 3,989,432*l.*, and he had put them down for next year at 4,300,000*l.* The Post-office last year was 414,000*l.* He took it for the next at 450,000*l.* The Crown lands last year were 160,000*l.*, he took them for the next at 180,000*l.* He took some other items of the revenue, last year producing 311,894*l.*, as making next year 250,000*l.* Out of these sums he made a total income of 48,310,000*l.* The expenditure, as he had stated, was 50,731,776*l.* As to the income, he thought he could satisfy the House that it was not exaggerated. He thought he had a right to rely upon it from the figures he had stated, that their total income for the next year would be 48,310,000*l.*, leaving a deficiency of about 2,421,000*l.* Of their expenditure, the House would observe that China formed a sum of 400,000*l.*, while the navy debt of last year formed another sum of 191,000*l.*, making together a total of 591,000*l.* Now, this did not form a part of the permanent expenses for which it would become necessary to make a permanent provision. As far as regarded the permanent expenditure for China, he thought that they had every prospect that they should not be called upon to provide anything like the sum he had stated in a future year. Therefore, it was that, deducting from their expenditure these two items, which he would say in round numbers was 600,000*l.*, there would be left in round numbers 50,100,000*l.* to be provided for; not deducting from it the Canada expenditure, because he did not rely upon bringing it down so immediately as he would wish. This, then, would be leaving 1,800,000*l.* to be provided for. Looking, then, at the state of the expenditure of the country, it was the opinion of her majesty's Government that it was impossible for them, with regard to the due and fair security, and to the stability of the finances of the country, to leave the revenue in the position in which it now stood, and not to make some increase to the income of the country. And, taking the whole matter into his consideration, he felt bound to say, that it would be necessary to make up the permanent revenue to 50,000,000*l.*, by such means as Parliament might be pleased to adopt. To make up the revenue to that amount, they had a sum of 1,700,000*l.* to provide for. It had been his fortune, last year, when he addressed them upon a similar occasion—it had been his fortune, at that time, to call upon the House, and to call upon the country, for additional taxes, for the purpose of placing the revenue in such a position as to make up the deficiency then; and if it became necessary for him again to undertake that duty, he should not shrink from the performance of it, by laying before the House his proposition for any system of taxation, however unpopular it might be. In his opinion, there could not be anything so inconvenient or so injurious that could be for a moment weighed against the great inconvenience and the very great calamity of a permanently disordered financial state. It was with these views, the House might be assured, that her Majesty's Government had taken into their most anxious consideration, and given their utmost attention, as to the course which it was their bounden duty to pursue. It became then necessary for them either to fall back upon some of these taxes, which not long ago they had themselves repealed—either the house-tax or the tax upon coals, or any one of those taxes which they had put an end to as injurious to the public welfare. He would observe to the House, that the sum was so large, that it was absolutely necessary that they must look at the deficiency with some degree of boldness, for it was impossible for them, by any mitigating or small measure, to deal with it. They had either to return then on the one hand to those old taxes, which they had repealed upon due consideration, and because they pressed severely upon the trade, the commerce, and the convenience of the country; or, on the other hand, they must introduce into their taxation those parties who had hitherto been exempted, for instance, as had been proposed by the hon. Member for Kilkenny last year, they must include, under the legacy duty, real property, and make it pay legacy duty, or they must take away some exemptions, that peculiar classes in the country benefitted by, such as taxes on agricultural horses, and some other exemptions, that would add considerably to the revenue; or they, if neither of these courses were to be taken, might lay a tax upon those new agents of production—on gas and upon steam, which, as being new born in the world, had now come under that system of taxation, which during a long war had been applied to every other article: or, lastly, they must take up that which he now found to be so popular, though he was old enough to remember that it had been the object of the bitterest attacks and execration—he meant an extensive property tax. He saw no other choice. If they intended to have taxation.—But before having recourse to additional taxation it was their duty to consider whether, by some arrangement of the taxes laid on the people, they might not be able to obtain the necessary supplies for the public service, without adding to the burdens of the country. He apprehended that they would have already judged that the two articles that he proposed to deal with in the budget were the two articles of timber and sugar. The House would recollect, that the duty upon colonial timber was 10*s.* a load, while the duty laid upon Baltic timber was 55*s.* a load. Throwing aside the addition of 1*s.* 6*d.* per load made last year. Thus they saw that there was 10*s.* on the colonial, 55*s.* upon the Baltic timber, leaving a protecting duty of 450 per cent. upon colonial timber. This was a subject that had been repeatedly before different administrations. His noble Friend, Lord Spencer, had proposed an adjustment of the duty, by diminishing the protecting duty, which had been 45*s.*, to a protecting duty of 30*s.* He saw a right hon. Friend opposite who was connected with office at the time, and could support the accuracy of his statement. Lord Spencer proposed to deal with this subject by raising the colonial timber duty from 10*s.* to 20*s.*, and by reducing the Baltic from 55*s.* to 50*s.* Subsequent to that, a committee of this House patiently went into the subject, and saw all the parties connected with all that were interested. They made a report, in which they not only gave their opinions in favour of a change, but also collected much valuable and important information. They confirmed the propriety of the suggestion of his noble Friend as to the protecting duties, and stated that the protection ought to be reduced by the exact sum that he had proposed; by a difference of 30*s.*, though applied in a different way. They recommended, that no taxation at all should be laid on; and, if the revenue could bear it, he took it for granted that it would be beneficial to the trade; but, as far as the revenue was at present concerned, it was impossible to act upon such a suggestion. He proposed to adopt the original proposition of his noble Friend, as he felt perfectly satisfied that, by such an arrangement, the consumer in this country would be clearly benefitted, and the revenue of the country would receive a considerable addition. The report, he conceived, was right in saying, that some alteration should be made in the protecting duties. He should propose, also, the adoption of certain other regulations suggested in the report, so far as they were practicable. They had recommended that the duty on deals should be arranged in a more equitable and fair manner; and they also recommended that there should be certain accommodation to the trade by the amendment of different regulations. His noble Friend had stated that he had satisfied himself that they would derive a revenue of 750,000*l.* from the change, but he would take it at only 600,000*l.* which he thought he could safely guarantee. He felt satisfied, after the calculations that he had made, and having consulted with gentlemen conversant with the matter, that that sum would certainly be received. [*Sir R. Peel:* What are the present duties?] The present duty, exclusive of the 5 per cent., was 10*s.* on colonial timber, and 55*s.* on Baltic.

He proposed that it should be 20*s.* upon colonial timber, and a duty of 50*s.* upon Baltic timber, making a differential duty of 30*s.*, which was exactly Lord Spencer's proposition. It was known to the right hon. Gentleman opposite, to whom he had already referred, that his noble Friend had reckoned upon an increase to the revenue of 750,000*l.* from this source, but contented himself with taking it at 600,000*l*, and he felt confident that it would not produce less than 600,000*l.* He would now come to the other article—sugar; and here he felt assured that he need not call the attention of the House to the great inconvenience, and the more than inconvenience, that for the last two years had been not merely experienced, but suffered by all classes, but more especially by the lower classes of the community, from the high, the exorbitant price of this article, which was almost if not an actual necessary, yet it was certainly the poor man's luxury. Looking, then, to that very circumstance, which he had alluded to in the former part of his statement, when he mentioned to the Committee the falling off that had taken place in Ireland by the leaving off the use of spirits, and taking to coffee and tea as a substitute, if they were determined to give only to the people a high-priced sugar, they would interfere with that which every man deserving of the name of statesman, must be most anxious to see introduced—namely, sober and good habits amongst the population of Ireland. He felt assured that the committee would be anxious to adopt such a plan as that the poorer classes might through its means, be enabled to obtain a decent supply of this very necessary article. Now, in this case, he did not mean to propose the adoption of any wild, or what might be called by his noble Friend "a very philosophical proposition." He proposed still to leave a very considerable protection in favour of colonial sugar. He proposed to give a protecting duty of 50 per cent. to colonial sugar. The present duty on colonial sugar was 24*s.*, plus 5 per cent. The duty upon foreign sugar was 63*s.* plus 5 per cent. It would be better for them to enact at once that there should be an actual prohibition of foreign sugar, than to have a system that apparently admitted, but virtually excluded it. He proposed to give to colonial sugar a protecting duty of 50 per cent., and to reduce the duty on foreign sugar to 36*s.* By his proposition the duty upon colonial sugar would remain at 24*s.* per cwt. plus 5 per cent. The duty upon foreign would be 36*s.* plus 5 per cent., being exactly a differential duty of 50 per cent. He had endeavoured to go through the calculations necessary upon this subject, and he apprehended that he might, like his noble Friend, state to the House what the probable increase would be, and he would also state what he calculated would be the addition caused by it to the revenue. He thought that it would not amount, as had been calculated, to 900,000*l.*, but he took it at 700,000*l.*, and persons who were very competent made a calculation on the subject and took it at a much higher sum. The sum, the committee would recollect, that was to be provided for was 50,731,776*l.*; the income was 48,310,000*l.*; the sugar duties would produce 700,000*l.*, and the timber duties 600,000*l*, giving a total of 1,300,000*l.*; but if they reckoned it as the highest, and that was a calculation that he did not maintain, it would amount to 1,650,000*l.* Taking, however, the sum that he had first stated as the additional revenue, the Committee would perceive that there was still a deficiency left of above 400,000*l.* His noble Friend had commenced the discussion this evening by announcing to the House that it was his intention to bring before them, for their consideration, the duties that were now imposed upon corn. It was a subject of the deepest and greatest importance, and it was one which could not be well brought incidentally into discussion upon a debate of the budget. At the same time he could not overlook it, in the statement that he was about to make. He certainly admitted, that there were 400,000*l.* that were left unprovided for by him, feeling satisfied, that if the proposition of his noble Friend were adopted, that sum would be found sufficiently provided for, and the stability of the revenue secured. He wished to state, that it was his determination, whatever was the result of his noble Friend's proposition, to make up the revenue to the amount that he had already stated. His determination was, before the close of the year, to make a provision for the 400,000*l.*; and if the House did not take the course suggested by his noble Friend, he meant to propose to raise that sum by direct taxation, as the means of providing for the deficiency. He had felt some difficulty as to the mode of dealing with this subject, because he was anxious as much as possible to avoid mingling the revenue of the country with the great and important question of Corn-laws. But, at the same time, he could not conceal from himself, nor, he believed, could any Gentleman, on whichever side he might sit, that a great deal of principle was involved in the question. It was not a mere scrambling for a certain sum of money, collected from one quarter or another; the question was, whether they would deal with some of the largely protected interests, or allow the law in that respect to remain as it now stood, and impose additional burthens on the population of the country. Taking the question in that view, they must not only consider the protection given to the West-India interest and the Canadian timber grower; they must look to the protection given in principle to the corn grower. He would only refer to those points which he considered must affect the revenue of the country, leaving his right hon. Friend, the President of the Board of Trade, to submit to the Committee such measures as he thought advisable which did not affect the revenue. He would deal with the question as one only of finance. He asked the Committee what he felt sure they would not refuse, whatever decision they might adopt; he called upon them to make proper provision, to preserve the good faith, to sustain the honour and interests of the country. It became then a question in what mode the deficiency should be made up; and before he proposed any direct taxation, whether a property tax, or some direct tax of another sort, he asked them whether they would be prepared entirely to refuse to consider the interests of their own population; or whether they would, by reducing those protecting duties, obtain what was required for the revenue, and not add to the burthens of the public. This revenue question they would have to answer by the votes which he should submit to the House. At the same time, though he treated it as a revenue question merely, he could not forbear calling the attention of the House to the position of trade, and the advisability and importance of the steps which her Majesty's Government proposed to take. He admitted that it was not now a question of mere abstract principle; it was not as if the revenue was competent to discharge all that was laid upon it, for there was at present a heavy deficiency. Even if there were no deficiency, even if it were a question they were not to decide as to the amount which they would provide, even under those circumstances he should venture to recommend the House to adopt a more liberal policy with regard to trade. He would not ask them to adopt all the opinions they might hear from different quarters, but to look at the present state of affairs. There was the German League extending its ramifications, and every year, if he mistook not, growing more inclined to protecting duties. There was the American tariff consideration this year. There was the treaty with Brazil, which must soon be the subject of negotiation. Therefore he could not but feel that they had come to a most important crisis in the revenue, and that upon the decision which that House should give upon that proposition must depend the course of our commercial policy and prosperity for many years to come. They might negociate as they pleased, but what would be the answer given by the parties with whom they would negociate. They would tell them, that "certainly you press to have our markets thrown open to your commerce, but it has so happened, that lately you have had that question brought before yourselves, that it was a question, not whether you would make a few abstract changes upon risk, but whether you would raise one million and a-half or more by taxation, or by admitting foreign goods into your country." They will farther tell you, "we hear what you say, and see what you do." They will say, "You have written your own condemnation; you have given the answer that must be returned." It would be in vain that they would press upon them the expediency of adopting a liberal line of policy if they themselves proposed in the very same case to keep up a prohibition in the shape of protection. He admitted that he was dealing with a point that did not strictly belong to the subject, but it was one upon which he felt the greatest interest. It was one of the utmost importance to this country, and one which he sincerely trusted, if there was any intention whatever to admit the produce of foreign markets, and to proceed in a course of liberal policy, the House would feel that they ought not to delay and postpone until they had lost the markets of the world, and had nothing left but to change when it was too late, and look back with unavailing regret. The right hon. Gentleman concluded by moving, that towards the making good the supply granted to her Majesty, the sum of 11,000,000*l.*, be raised by Exchequer bills, to replace bills for the service of the year 1841.

Mr. *Goulburn* admitted that it was quite impossible for any hon. Member to have heard the statement of the right hon. Gentleman who had just sat down, without concurring with him, if not in other parts of his observations, at least in this, that we had arrived at a most important crisis. By the course and conduct which had been pursued by the Government of the country for the last five years, we had arrived at a critical moment when it would be necessary to enter into a consideration and final determination whether that course and conduct was to be continued, or whether measures should not be taken to place the revenue of the country on a footing of safety, and one properly proportioned to its expenditure. The right hon. Gentleman had divided his speech into two portions; the first related to the state of the revenue at the present moment, and the next as to the means by which it was to be maintained and provided for in future. On the measures which the right hon. Gentleman had proposed, and to which he looked forward as the means of effecting hereafter an equalisation between the revenue and expenditure of the country, he should not now proceed to enter in detail, and for this reason, that the House was not called on by the vote of to-night to express any opinion upon the measures which had been propounded. He had not had any intimation that these measures would be under discussion that evening, and, after what had fallen from the right hon. Gentleman, he was not prepared to express any opinion upon the matter as a question of finance. Indeed, the right hon. Gentleman himself had not given any defined statement on the subject. He had told them generally that the steps he proposed taking would produce that amount of revenue which is essential to the utility of his plans; but he had avoided showing in detail the manner in which the change was to be brought about. The right hon. Gentleman proposed to reduce the duty on foreign sugar, while the duty on colonial sugar was to remain at the present rate; and he stated that this change would produce an increase to the revenue of 700,000*l.*, but he had not shown them by what process this introduction of foreign, and displacing of colonial sugar, would produce this effect. Until the right hon. Gentleman had made out a full and plain statement on this point, he would defy any man to say in what manner it was to be viewed as a financial question. The same observation might be applied to the right hon. Gentleman's proposition respecting timber. The right hon. Gentleman expected, from the alterations to be proposed on the corn duties, to derive 400,000*l.* a year. But he had not told the House that out of the 22,000,000*l.* produced by the customs duties, a sum of 1,200,000*l.* has been derived from the duty on foreign corn; and therefore he (Mr. Goulburn) was at a loss to know whether the right hon. Gentleman meant that 400,000*l.* would be in addition to this 1,200,000*l.*, thus making 1,600,000*l.* levied on corn, or whether he expected to derive only 400,000*l.* altogether from that source. In the absence, then, of all explanation, and not being called on by his vote this evening to express any opinion on steps which would be decided by specific resolutions hereafter, he (Mr. Goulburn) would at present decline to go at length into the several questions which the right hon. Gentleman had propounded; but he must beg to be understood as reserving his opinion how far the measure proposed were worthy of support, in a commercial and financial point of view, until he had an opportunity of making inquiry and consulting documents, in order to enable him to judge of the correctness of the right hon. Gentleman's anticipations. With respect to the state of things presented by the revenue accounts, it was even worse than he anticipated. They had not received until that morning the account of the last quarter's revenue; and it appeared that up to the end of that quarter there was a deficiency in the year that had gone by amounting to 1,850,000*l.*; and they were told that a million deficiency may be looked for in the ensuing year. He trusted it would not be considered irregular in him to refer for a moment to the period when the Gentlemen opposite came into the administration of the financial affairs of the country, and to inquire what they had since done. They had begun with a revenue of 46,000,000*l.*, while the expenditure was somewhat short of 45,000,000*l.*, leaving a surplus of above 1,000,000*l.* at their disposal for national purposes. They had now arrived at the fifth year of their administration, and what was the state of things? What was the result of their administration? Was there a deficiency arising from any calamities or visitations that had fallen on the empire? Was there a deficiency or diminution of the revenue arising from any such causes? No. The revenue to the period of the last account was now 47,500,000*l.*, 1,500,000*l.* above that which existed five years ago, and, notwithstanding this, it appeared that such had been the rapid augmentation of expenditure, that there is now an aggregate deficiency on the five years of 5,000,000*l.*, and for the ensuing year the deficiency was to be estimated at about two millions. This was the condition to which the hon. Gentleman had brought the revenue of the empire. It had been brought about by the pursuance of a course of proceeding against which he had for one always protested. He had all along contended that the revenue and the expenditure of the country ought to be placed in some degree on a footing of equality. If the House would permit him he would, by going back to the proceedings of Government, show how very different was the policy that had been acted on. In the year 1835, the Government had a nominal surplus of about 1,000,000*l.*—a real one of 600,000*l.* With that amount of surplus they repealed taxes to the amount of 156,000*l.*, and, in lieu of providing for this, they added to the expenditure by 340,000*l.*; thus, between the new expenditure and the taxes repealed by them, almost consuming the surplus which had been at their disposal. Gentlemen who maintained the principle that there should be no surplus of revenue over the expenditure might see nothing to complain of in this. In the year 1836, they had a surplus of above 100,000*l.*, and immediately repealed taxes to more than that amount; and, proceeding on the principle that an increased expenditure should keep pace and go hand in hand with a decreased revenue, they placed the country in debt to a large amount. In 1837 they had a deficiency of 650,000*l.* and they met this by an increased expenditure of 1,000,000*l.* Having still a deficiency, they persisted in the course of increasing the expenditure, making no efforts to keep up a corresponding income. In 1838 there was, naturally enough, another deficiency, and naturally enough, he had almost said, an increased expenditure of 780,000*l.* In 1839 the deficiency amounted to 1,500,000*l.*, a larger one than any that had previously existed, and which, with the deficiency arising from previous years of more than 1,000,000*l.*, left them more than 2,000,000*l.* in debt. And this was the period, and this the state of things which they selected as a fit opportunity for repealing the postage duties, thereby incurring a loss of 1,500,000*l.* And this year, acting for once in opposition to their usual principles, they did reduce the expenditure by about 150,000*l.* Thus a considerable debt was increased by the progressive reduction of the revenue and increase in the expenditure. The House was now called on to take extensive measures for putting the revenue and expenditure of the country on a proper footing with regard to each other. He did not purpose to quarrel with the estimate which the right hon. Gentleman had made with regard to the year to come. He would only remark, that there was again a considerable increase in the expenditure. But there was one new point in the right hon. Gentleman's speech. It now appeared to be admitted, for the first time, that the repeal of the Post-office duties had not answered the expectations of those by whom that measure was brought forward. He remembered that last year the right hon. Gentleman took his estimate of the revenue that would accrue from the Post-office at 530,000*l.* It had produced only 414,000*l.* What was the estimate of the income to be derived from this source in the year to come?—450,000*l.* It would be found that a large portion of this was derived from a charge carried to another department; another portion was derived by the abolition of official franks, and by placing a tax on Members of Parliament in the discharge of the public business, from which they were formerly exempt. It would, in short, be seen, that the actual net revenue derived from the Post-office would not be more than 240,000*l.* upon the most favourable calculation. The object of his making these observations was in order to caution the House, at a time when, as an operation of financial expediency, they were called on to make certain reductions and alterations in duty, not to be led away by any statements made by Government, without closely and diligently examining into the real facts of the case. While on the subject of the Post-office, he should allude to a return that had been made in answer to a call from that House, in which it was stated that the net revenue derived from the Irish Post-office amounted to 6,000*l.* Now, it was obvious that this could not be the fact. It was perfectly clear, by a reference to the financial account, that the Irish Post-office could not have produced any net revenue whatever to the country, because not only had its expenditure exceeded its receipts, but the postage stamps had been sent over from England, and with which the Irish Post-office should have been charged. The fact was, that the English Post-office was obliged to send over 27,000*l.* to enable it to go on; and yet in the return made, as to the operation of the Act, it was stated, that 6,000*l.* net revenue had been paid into the Exchequer by the Irish Post-office, when 27,000*l.* had really been sent over from this country in the present year to make up the deficiency in Ireland. The right hon. Gentleman had stated, that in calculating on this 450,000*l.* Post-office for the next year, he did not expect it to arise from the number of letters being increased, but from a change in the number of persons who were at first required to be employed in such increased numbers, in order to carry on the business, and put the new system into operation. Now, if his memory did not deceive him, it struck him, that when the proposition for the reduction of the postage to one penny, was before the House, one of its prospective effects held out was, a reduction in the vast number of clerks and other officials employed, the abolition of a great mass of patronage, and a great consequent diminution in the expenses of the establishment. But it now appears not only that the revenue had been reduced by the change, but that it was almost eaten up by the additional officers and other expenses consequent on the alteration. He should not enter into the details of the question then, but reserve himself for the specific questions.

Mr. *Hume* said, there was much in the speech of the Chancellor of the Exchequer which had given him satisfaction, though there was much also which had caused him great regret. With regard to the reductions which were proposed to be made, it was an instalment of that which the people of England had long expected, and which the welfare of the whole empire required. But there was not one word of the right hon. Gentleman's speech of that night with respect to what appeared to him to be the first point for the House to consider, viz., whether there was to be any reduction in the heavy expenditure which created that excess. He could not help expressing his deep regret that in the present state of things, that point had not been taken into consideration. He would make a few observations upon what had fallen from the right hon. Gentleman who had just sat down. He quite agreed with that right hon. Gentleman, that the great excess which had occurred in the expenditure above the revenue within the last six years was much to be deplored, and that the Government ought not to have suffered these defalcations to have taken place. But he would ask the right hon. Gentleman whether he, or any one on his side of the House—there might indeed be a solitary exception—had any right to taunt the Treasury. He might do it, but they had no right. He had endeavoured to lessen that expenditure. He had pointed out to the House what would be the result of those extravagant and increasing estimates from year to year, and he had called on the right hon. Gentleman near him not to listen to the voice from the opposite side, which would hurry him on into increased expenditure. If any individual was entitled to make the speech which they had just heard, it was not the right hon. Gentleman, for he challenged him to point out any one instance in which he had proposed to reduce the great and increasing expenditure. For the last three years there had been additional taxes to the amount of 3½ millions laid on, and there had been a falling off for the last four years of 5¼ millions, making a total of nine millions increase in the expenditure of the country. That arose from the neglect of the House and its utter disregard of the reduction of the public expenditure. He might add, that on the several divisions he had taken on questions of reduction in the expenditure of the country, the number who voted with him seldom exceeded seven or ten. He was gratified to think that the right hon. Gentleman had been compelled, by the increasing burdens of the people, to look about and devise another mode of increasing the resources of the country. It was now clear, that although last year the right hon. Gentleman had laid on taxes to the amount of 2,340,000*l.*, so far from its producing any increase, it had caused a decrease of 300,000*l.* on the last as compared with the previous year. Consequently, the scheme of the right hon.

Gentleman had failed. The revenue, which was 47,843,000*l.* for the year ending in April, 1840, was for the year ending April, 1841, with the 5 per cent. additional taxes and customs, and the 10 per cent. increase upon the assessed taxes, only 47,433,000*l.*, being an actual reduction of 400,000*l.* upon the receipts of the previous year. It appeared that the right hon. Gentleman had miscalculated to the amount of 2,800,000*l.* upon the year. He had cautioned the right hon. Gentleman last year against laying on additional taxes upon the necessaries of life, because he might be assured that they were only trampling upon the interests of labour, and depriving the mass of the people of employment, by which they were incapacitated from purchasing the ordinary supply of excisable articles. It appeared to him, that they should have laid a tax upon the landed property of the country, and that it should be placed on the same footing as personal property, by which a million and a half might be obtained annually. He did not think, that the right hon. Gentleman had anything to boast of with regard to his estimate—on the contrary, he might take the result as a lesson for the time to come. He did think, the right hon. Gentleman had acted right on the present occasion. He did think, that the Government, looking at the failure in the necessaries of life with which the country was afflicted, and looking at the privations which a large portion of the community—the industrious classes—were subject to now, while they were willing to work, but unable to obtain employment, anxious to pay taxes if they could, but incapable of doing so, in consequence of the monopolies which Parliament had kept up, and the gradual murder—he could call it by no other name—of a certain portion of the people, he did think, that under these circumstances the Government had taken the wisest course. Tens of thousands had been deprived of the means of subsistence in consequence of our provision laws, which had ruined the people. The right hon. Gentleman, the Chancellor of the Exchequer, could not find one individual, who had looked to the state of the country, who would not advise him not to lay any further taxes on the necessaries of life. The right hon. Gentleman was, therefore, perfectly right in making his present proposition, and he thought, that the result would meet the right hon. Gentleman's expectations. He hoped, that the right hon. Gentleman would lay before the House for its information all those statements which he had read that evening. If he rightly understood the plan of the Government it was this, that they were about to remodel the Corn-laws. That this was the first measure; and that they were also to change the duty on wheat, timber and sugar, the most important articles. He thought that the right hon. Gentleman had thus taken the best means to keep up the revenue—he thought the right hon. Gentleman would do well, under the circumstances to leave it to the President of the Board of Trade to supply the deficiencies of the country. He was persuaded, that the contemplated changes would be productive of benefit to the consumer beyond any measure brought forward in his time; while they would not only not decrease the revenue, but greatly add to it, and the working men would thus have the means of earning for themselves a livelihood, and need not be dependent for their subsistence on the Poor-law, or any other source. And let him tell the noble Lord, who had charge of the Poor-law in that House, that many of the complaints which had been brought forward against the bill, would never have been heard if her Majesty's Government, two or three years ago, or at the time of its introduction, had brought in such a measure as that which they now proposed to introduce. After the intended change and similar changes on the same principle, had been effected, they might safely leave the working classes to their own resources, because they would throw open to them the markets of the world, and thus enable them to earn a subsistence, free from the trammels of a workhouse. He hailed the proposed change as a good beginning, and hoped yet to see his fellow-countrymen happy and comfortable, despising the Poor-law, because it would be a dead letter; he hoped yet to see the time when labour would be amply rewarded, for no man was willing to labour so hard as an Englishman, whenever it was possible for him to procure work. Was it fair, was it honest, was it merciful for that House, to maintain laws which pressed so hardly, and proved so destructive to those who could not help themselves? He hailed the measure as a means of putting an end to the sufferings of the poor, of creating a permanent revenue, and of benefiting all classes in the community. He hoped, before the discussion closed, to hear the right hon. Member for Tamworth repeat, that he had no objection to the consideration of the Corn-laws. Two years ago, he objected to go into the consideration of those laws, without, at the same time, taking into consideration the duties upon every other article of produce. Now, he did hope, that the right hon. Baronet would give that satisfaction to the country by saying, that in his opinion, laws should be made for the benefit of all, to forward the interests of all classes, and that, if any class should be favoured above all others, it should be the poor man, who lived under laws, in the making of which he had no voice. He rejoiced at the change which was about to take place, and if it could be carried out it would work the regeneration of the country. He would ask what would be the state of the landed interest of the country? What would it be worth, if the country were to become a land of beggars in consequence of the operation of bad laws? Could that be considered a satisfactory state of the country, when every meeting was obliged to be held under the protection of policemen? How could the rich men of the country enjoy their comforts when they knew that they were surrounded by others of their countrymen who were starving? How could they enjoy anything when they knew that by their monopolies they were pauperizing the working classes? For the sake of the landed interest themselves—for the general interest and security of Englishmen, they must have equal legislation, and there must be an end put to the monopoly of the landed interest. On that ground he congratulated the country on the prospect before them. Instead of endless debates on party questions, and on Poor-laws, they now saw the prospect of attending to legislation, by which means would be placed within the reach of every Englishman of earning his subsistence. The workman in England had not hitherto had the means—his had been a hard fate, placed in the midst of the rich, and tantalized by their enjoyment of luxuries which had been obtained by an infamous system, which had trampled the poor man under foot, and rendered him a miserable slave. He hoped they might now look forward to a better system, and one which, considering the manufacturing capabilities of the country, held out the brightest prospect. The Chancellor of the Exchequer had alluded to the German League to which another state had lately been added, to the United States, and to the Brazils. With regard to the Brazils at the present moment, the country took from four to five millions annually of our manufactures, and we did not take above 500,000*l.* annually of their produce. They were now about to alter the tariff and exclude us. Let British manufactures be excluded from that market and from the United States, as they assuredly would be, and what, he would ask the landed proprietors, would their possessions be worth? They would have millions in a state of starvation, and how could they enjoy their possessions when the people of England had been driven to distress through their monopolies? He felt obliged to the Government for the manner in which they had brought forward the question. It was not a party, but a national question. And he should be sorry to make use of a single phrase that would have the effect of making it a party one. With regard to the Post-office revenue, they would find, that in the year in which the reduction had been made, the total revenue of the country was greater than in the year preceding it. In 1838, the revenue was 46,000,000*l.* In 1839, 47,833,000*l.*, and in the year 1840, 47,843,000*l.* But that system would never work well under its present management. The Postmaster-General, from his habits and station as a Peer of the realm, was unfit to be the head of that department; and as a proof of the inefficiency of the present system, he would merely refer to the speech of Mr. Spring Rice on the subject. A noble Lord (Lord Lowther) was as fully convinced as he was of the necessity of Post-office reform, and the defective management would continue until the reforms should be effected. He thought also, that the Government should require every letter to be pre-paid. The number now paid for was exceedingly small, and the principle trouble and expense were incurred by letters which were unpaid. On the whole, although nothing had been said about lessening the expenditure of the country, he was pleased at the spirit in which the right hon. Gentleman, the Chancellor of the Exchequer had opened his budget. He entirely concurred in the sentiments which had been expressed, and he was sure that they would be echoed by the country at large.

Mr. *Christopher* did not wish to make

any observations that could lead to a general debate on the question of the Corn-laws; but as the representative of a large agricultural constituency, he had a right to complain of the manner in which the Chancellor of the Exchequer had stated the arrangements which affected that particular interest. The right hon. Gentleman had stated fully the extent of the reduction which he proposed in the duties upon foreign timber and sugar; but after calculating the revenue which he anticipated from those reductions, he merely said that 450,000*l.* remained, which he proposed to make up by some modification of the Corn-laws. If it were intended, however, again to bring the subject under the attention of Parliament, notwithstanding that this House had of late years more than once declared it would not entertain the question at all, at the same time he was glad that if it were to be brought on at all, it was this time to be brought forward in the form of a Government measure. He was glad that the Members of her Majesty's Government, who had heretofore been so uncertain and divided on the subject, had now resolved on taking the more manly course of coming forward as an united cabinet to state their views on this question; and in so doing to give the country an opportunity of knowing their views, and of declaring whether that cabinet enjoyed its confidence, which a Government ought to enjoy, or not. But the agricultural interest was entitled to a fuller explanation of their intentions. The Chancellor of the Exchequer had carefully concealed the extent of the modification which was proposed, and unless some satisfaction were given on that subject, the announcement would be regarded as a clap-trap thrown out by the Government for the purpose of conciliating the support of a section of their supporters, who, it was apprehended, were inclined to desert them. He had felt it necessary to urge this complaint, as neither of the two hon. Members for Lincolnshire, who were present, had thought fit to do so.

Mr. *Handley* could assure the hon. Member, who had assumed to be the representative of all Lincolnshire, that he should not neglect his duty to his constituents and the country when the question of the Corn-laws, come from whatever quarter it might, was brought before the House.

Mr. *Goulburn* said, he might be permitted, perhaps, to question the right hon. the Chancellor of the Exchequer upon a point which was not very clear to him. The right hon. Gentleman had informed the Committee, that there was a deficiency upon the last year of 1,800,000*l.* and that he anticipated a similar deficiency of about 2,000,000*l.* on the ensuing year. The right hon. Gentleman had explained the way in which he intended to provide for the anticipated deficiency on the future year; but he had not, as he was aware, explained how he intended to meet the deficiency of 1,800,000*l.* on the past year.

The *Chancellor of the Exchequer* said, that with a view to meeting this deficiency, he had moved a vote of Exchequer Bills, to the amount of 800,000*l.*, leaving still a deficiency of 1,000,000*l.*, of which it was intended to pay off (as we understood) 750,000*l.* out of the funds of the savings banks.

Mr. *W. E. Gladstone* wished to ask the right hon. Gentleman a few questions on the subject of the proposed alterations in the sugar duties. The right hon. Gentleman had announced, that he intended to reduce the duty on foreign sugars from 63*s.* to 36*s.*, and that he expected to make 700,000*l.* by that change. This was the statement of the Chancellor of the Exchequer, and he hoped that the right hon. Gentleman would have no objection to state to the Committee some of the facts and reasonings upon which he based that expectation. He would beg, therefore, to ask the Chancellor of the Exchequer two questions:—1st. Whether he had calculated the amount of sugar from the West Indies, the East Indies, and the Mauritius, which might be expected to be imported during the year? 2dly. Whether he had calculated what would be the probable consumption of sugar during the ensuing year? And to these he would beg to add a third question, namely, when this subject might be expected to be brought on for discussion? He hoped the right hon. Gentleman would take as early an opportunity as possible of taking the definitive opinion of the House on this subject; for he could assure the right hon. Gentleman, that nothing could be more distressing than the state both of those who held sugars and of those who wished to purchase them, from the uncertainty which prevailed on this subject.

Mr. *Goulburn* said, he must beg to be allowed to say one word before the Chancellor of the Exchequer answered the question which had just been put to him by the hon. Member for Newark; for he did not think that the right hon. Gentleman had been quite correct in the answer which he had given to the question which he (Mr. Goulburn) had recently put to him. The right hon. Gentleman said, that he intended to provide for 800,000*l.* of the last year's deficiency by Exchequer Bills, and that the remaining million he intended to meet out of the savings' banks' funds. Now, what he wished to know was, whether the Chancellor of the Exchequer had sold out the funds of the savings' banks, and if so, whether an additional credit would not be required to meet the deficiency so occasioned?

The *Chancellor of the Exchequer* said, that this was no new transaction; the same thing had taken place several times before. In the statement on the table of the House the right hon. Gentleman would observe, that Ways and Means Bills had been taken out of the savings' banks' funds on former occasions; and the same course was intended to be followed now.

Mr. *Goulburn* said, that he still thought some new credit would be required to meet the deficiency so occasioned.

The *Chancellor of the Exchequer* said, that the right hon. Gentleman did not appear exactly to understand the real nature of the case, and the distinction between paying Ways and Means Bills and Supply Bills out of funds of this description. The case which the right hon. Gentleman put referred to Supply Bills, and not to Ways and Means Bills, which were in question at present.

Mr. *Gladstone* hoped the right hon. Gentleman would now answer the questions which he had taken the liberty of putting to him.

The *Chancellor of the Exchequer* said, that he should request the hon. Gentleman's indulgence for a few moments, he was making out from his papers a calculation, in order to answer the hon. Member's questions, when he was interrupted by another question from the right hon. Member for Cambridge.

Mr. *H. G. Ward* expressed the great satisfaction which he felt at the reference which had been made to the subject of the Corn-laws by the right hon. Gentleman; and he trusted that when the House came to treat of this important question, they would adjust it upon a broad and fair basis, doing justice alike to the manufacturing and the landed interests. As the representative of a manufacturing community, he should feel that he was wanting in his duty if he did not express the satisfaction with which he had this evening heard great truths uttered in high places —truths which, if worked out in the spirit in which they appeared to have been uttered, must meet with a corresponding support from the country. It was time now for Parliament to understand that the mere act of increasing taxes and duties would not always increase the revenue in proportion, and that the true means of securing an adequate public revenue was to encourage and call into operation the energies of the country, and to throw open the portals of commerce to its bursting resources. He concurred generally in the statements of the Chancellor of the Exchequer, and thought the right hon. Gentleman might disregard the comments which had been made upon them by the right hon. Member for Cambridge. One very material fact appeared to have been overlooked by the right hon. Gentleman, which he would beg to point out. That fact was, that the present Government had paid the expenses of all the wars which it had undertaken; the wars were not so extensive as those which had taken place in former times, but still the fact was so, that her Majesty's Government had been enabled to pay them as they went on, and, at the same time, to keep paying the interest of the debts incurred on account of the wars undertaken by their predecessors.

Lord *F. Egerton* would not attempt to enter into the details of the Chancellor of the Exchequer's speech; but must be allowed to express his great and unmitigated astonishment, not that the Chancellor of the Exchequer should have announced that the Corn-laws were intended to be brought under consideration—for he was not surprised at that announcement, although made by a Government at the head of which was a noble Lord who had made some very strong observations upon this very subject; he had lived too long in the world to be surprised at such conduct as this; but he could not help expressing his surprise, on behalf of himself and of his constituents, who, he could assure his hon. Friend the Member for Sheffield, took as deep an interest in this subject as the hon. Gentleman's constituents at Sheffield, that the discussion of this momentous question should have been put off for five mortal weeks—hung up as it were to agitate the country during all that period. He should have thought that, considering the importance of this subject, it was one of all others upon which the Members of her Majesty's Government could not have failed to have made up their minds as to what they would do. He could not believe, that any Government about to introduce a measure of such vital importance to the peace of the country, and so intimately connected with every transaction relating to land—he could not believe, he repeated, that any Government holding the reins of power, or tolerated in office for a day, could have delayed in declaring their views. It was not his intention to express any approbation or disapprobation of the Corn-laws. He was not called on to do so. He had a right to hold himself perfectly clear on that subject; but he must declare his unmitigated astonishment that the noble Lord should for the first time have announced this day at five o'clock, that he was about to take the unlooked-for course which he now proclaimed it his intention to pursue. He could draw on his imagination for something which tended to illustrate the noble Lord's conduct, and to induce him to take this sudden and unexpected step. The least the noble Lord could now do, in deference to the views and feelings of the country, so strongly excited on this question, was to fix an early day for its discussion; and "God defend the right." No man was more ready than he to approach the discussion of that question, with as little reference to party considerations as possible. The country, however, would best judge whether the peculiar course of her Majesty's ministers was altogether free from the imputation of party tactics.

Lord *J. Russell:* The noble Lord seems exceedingly angry and indignant at the "something" that is meant in the notice which I have given; it is not that the Corn-laws should be discussed: it is not that the Corn-laws should be brought forward by the Government; it is not that the question should be fairly and impartially decided—the noble Lord is angry at none of these; but he says that something in his imagination (and the noble Lord is gifted with a very powerful imagination) which he supposed the Government intended, or did not intend, in the mode in which the proposition respecting the Corn-laws was brought forward, raised very horrible and gloomy forebodings in his mind as to our intention. As I cannot pretend to an imagination at all approaching that of the noble Lord's, I cannot tell what he is driving at, as being so terrific in this announcement. With regard to the lateness of the period at which the question has been brought forward, the noble Lord is right in saying that on certain days, and at five o'clock, I may ask leave to bring forward such measures as the Government think expedient; but the noble Lord has not, perhaps, attended to the importance of the questions already before the House. Why, in the first place, there are the great questions immediately connected with the budget, questions which, as the hon. Gentleman opposite (Mr. Gladstone) stated, ought, as connected with the regulations and dealings of trade, to be discussed as soon as possible. The mixing up of several of these questions in the same discussion would not be convenient, or indeed practicable. But there is another and a very important question—a question which I consider of the utmost importance; one with regard to which we went before Easter in a great part through committee; and I should think it a most inconvenient course to break off in the middle of a committee, and not proceed with that question. Now, I will not draw on my imagination like the noble Lord, and suppose that any Gentlemen on that side mean at all to shrink from the line they have already taken as to that law. This is the imputation cast upon them by their friends and supporters, but I cannot "imagine" it has any foundation. I conceive that the House will entertain that measure as they have hitherto entertained it, and I shall proceed with it as soon as I possibly can. And, as some time will be necessarily taken up in the committee, it seems to me a very simple mode of proceeding, that having gone through a considerable part of the bill, we should settle the remainder before we took up a subject of another nature, and of great importance. This is the real and very simple explanation of what raised the noble Lord's anger and indignation, and stimulated his imagination in a way so horrible and alarming.

Colonel *Sibthorp* said, his butler asked him, when he went home last night, whether the Ministry was dead, for he had heard a person crying about the streets, the death of the Administration; but though he knew their political execution ought to have taken place long ago, he did not think it probable, considering their charmed life. It was clear that the noble Lord, before he gave notice of his motion on the Corn-laws for a future and distant day, went to the Chancellor of the Exchequer, and when they had put their heads together, said, "See what a deplorable state we are reduced to." The Chancellor of the Exchequer replied, "Let us touch upon the Corn-laws, and tell the people we'll take off some of their burdens." This was all very well, but the people would not forget how they had previously been pressed down by the cruel Poor-laws. This was a squib thrown up to dazzle them. What single measure for the benefit of the country had the present Government brought in? For his own part, he knew no instance of that kind; he knew of no circumstance which would save the country from the ruin which now hung over it, except that her Majesty would be graciously pleased to sign the death-warrant of one under whose counsels she ran the chance of losing the popularity which he would never wish to see hazarded. If Ministers were allowed to run on in their present course, they would render themselves hateful to the country, and the country a laughing-stock to the world. There was that which soon would make her who presided over the country—and long might she preside over it—see the necessity for a change in her counsels, and no one could doubt, that whatever change might be made must be for the better.

Viscount *Sandon* said, it was the duty of the Government to give more distinctly the materials upon which they called upon the House and the country to support them in their financial plan. The question had been very properly put by the hon. Member for Newark—what were the data upon which the Chancellor of the Exchequer founded his conclusions? To that no answer had been given; and, unless he supposed the right hon. Gentleman to proceed on mere guess as a basis for his statement, which, he was sure, could not be the case, that information ought to be given to the House. He thought he was entitled to know upon what principle the Government were acting, when they said, that certain changes in certain duties would produce such and such results. But if it were important with respect to the sugar and the timber duties to know those principles, it was surely of the utmost importance, that the noble Lord, the Secretary for the Colonies, should distinctly tell the House what the measure is which he proposes to bring in with respect to the Corn-laws. The reason he had given for not telling the House the nature of, or for not discussing at an early period, that measure, was bad indeed. What had the House next week before it? There was nothing of any importance at all. But the noble Lord had gone beyond all the forms of the House, for he had fixed five weeks hence to discuss a question which engaged all the great interests of the country. During these five weeks, there would be agitation in the country in favour of free trade without any protection, and there would be agitation against it, and yet the Government might, by naming a proper time for their proposed measure, allay this apprehension and excitement. He would put it to the noble Lord how he could excuse himself for not stating whether it would be a fluctuating or a fixed duty, or what the reduction would be which the country should expect from him. The general declaration of the Chancellor of the Exchequer might be construed into anything. That right hon. Gentleman had left the whole thing in so perfect a mystery, that it would be impossible to discuss the question until the necessary materials were furnished.

Lord *J. Russell*: I cannot see, that my noble Friend has any right to reproach me for the course which has been taken. I believe, that any other course would be altogether unusual—so far as I know, without precedent. I certainly conceive, that when a Government has a proposition to make, although notice may be given of it for some time—very often for some weeks—it is not usual in the first instance to state particularly the nature of that proposition. And the reason is very obvious; for if the bare outline of a measure is announced, and not the reasons which can be urged in support of it, of course, those who oppose it, can urge every possible objection, before its supporters can show the grounds on which it is founded. I certainly never heard at the time of the Reform Bill, or at the time of the Act for the Emancipation of the Slaves, an objection raised on the ground, that when notice was given, the exact nature of these measures was not explained. I, therefore, do not feel myself at all open to any sort of reproach such as that uttered by the noble Lord. However, if it be thought, that the announcement of the general principle of the measure will tend in any way to prevent agitation from being directed and perverted to points not practically to be brought before the House I have no hesitation in saying, that the principle of the measure is the same as those general principles which I supported in this House and elsewhere, two, three, or four years ago—namely, the principle of a moderate fixed duty. I have stated that to be my own individual opinion in this House and elsewhere; and in bringing forward a measure founded on those principles I have alluded to, I shall bring it forward as the measure of the Government in general—of the cabinet united on this subject. And I am quite sure that my noble Friend (Viscount Melbourne) will be regardless of the taunts which the noble Lord (the Member for Lancashire) has chosen to use with respect to him this night. I shall, then, introduce a measure founded on the principles I have stated. I do not think it necessary, and I am sure the House does not expect, that I should now enter upon the details of that measure. With regard to the general principles on which the Government proposes to act, I stated, before the House adjourned for the Easter holidays, that we had made up our minds as to the change which it was necessary to effect in the regulations of trade. I do believe that, sound as those principles are, on which we mean to proceed, unanswerable as the theoretical arguments are which have been urged, by great writers and statesmen as applicable to them, this is the occasion, and the critical state has arisen in the affairs of this nation which require the application of those principles. Not only has an opportunity been presented for a prudent application of those principles; not only can you enjoy the advantage of maturely considering the laws which have hitherto prevailed on this subject, but this is the particular time that great mischiefs, not to say great perils, can be avoided by your settlement of this question. And if you determine, I will not say to adopt this proposition or the other, but if you determine to reject some such change in the duty on corn as that which I mean to submit; if you determine to make no change in the commercial policy, but to stand by the principles of monopoly and exclusion, this is the particular time that such a course will have an influence, and a most unfortunate influence, on the prosperity of this country. Thus persuaded as the Government has been, and as I stated they were, on a former occasion, it will be for my right hon. Friend (Mr. Labouchere, we suppose), to proceed with his propositions at as early a period as will be consistent with their due consideration, and for me to submit the measure on the corn-laws of which I have given notice. I trust that what I have said as to the general principles on which I mean to proceed will rather have a good than a prejudicial effect; and if I expose myself to the disadvantage of giving the effect of the measure, without urging the grounds and reasons on which it is supported, I must be content. At the request of the noble Lord (Lord Sandon), and for the public convenience, I have, I believe, gone out of the usual course.

Sir *Robert Peel:* The noble Lord anticipates that the proposal which he is about to make on the part of the Government on the subject of the Corn-laws may be prejudiced by the partial declarations which he has made, and that an interval must elapse before those declarations are fulfilled. The noble Lord has his own remedy against any such evil. The noble Lord may take the course which, I maintain, it is his bounden duty to take, to inform the country what is the proposition (principle and details) which, on the part of her Majesty's Government, he intends to submit, with respect to the Corn-laws. Of what avail, for the purpose of allaying the confusion which the noble Lord's startling announcement, on the subject of Corn-laws, must produce, is his declaration, that the change he means to submit is a moderate fixed duty, when no man is able to ascertain the amount of that fixed duty? Does not the noble Lord see, that to announce the intention of her Majesty's Government to deal with the question, and to promise the adoption of a fixed duty, without any indication of the probable amount, is to keep the country in a state of uncertainty—of wanton and unnecessary suspense? If the noble Lord had given a distinct intimation of his intention to bring the subject of the Corn-laws before the House, he might be justified in not immediately stating the effect of his measure, but he has connected the question of the Corn-laws with the budget. It was immediately preceding the introduction of the budget that the noble Lord gave his notice. The Chancellor of the Exchequer takes credit, in what he calls a budget, for the duty to be levied on the introduction of foreign corn. He gives too some sort of indication of the amount, for he says he wants a sum of 400,000*l.* He says, "I want a revenue of more than 50,000,000*l.*, I shall raise 13,000*l.* from sugar and timber, and my noble Friend (Lord John Russell) intends, some time hence, to bring in a measure which will give 400,000*l.*" Now, is that a fitting state to leave this country in? The right hon. Gentleman has only confused the question by his partial explanation. He calculates on a failing revenue of the customs of the present year at 22,000,000*l.* Last year they were but 21,700,000*l.* But 1,000,000*l.* of the 1,700,000*l.* of the year 1840 was derived from corn, and therefore you have left the country in the uncertainty whether the revenue you expect to derive from your moderate fixed duty shall be 400,000*l.* or upwards of 1,600,000*l.*? What a perfect state of uncertainty, then, are those left in, who are interested in the sale of estates or land in the relations between landlord and tenant, and in those manufactures connected with the price of corn? In this partial indication of the views of the Government, as a question having no immediate connection with the Corn-laws, the noble Lord must submit to general condemnation, unless he corrects the error he has committed, by at once submitting his plan to the consideration of Parliament. And if the noble Lord does not bring it forward of his own good will, I do not despair that the general sense of the country will compel him to do so. I do not despair that this House will not permit itself to be made the instrument of agitation through the country, as it will be if, after the announcement of the Government, made at such a peculiar time, and after such signal defeats, it acquiesces in the postponement of this question. It is impossible to look at the financial position of this country without great anxiety and deep apprehension. It would be most unwise, in my opinion, most unworthy of any man fit to take a comprehensive view of the affairs of this country, to permit himself to give a decisive opinion of our financial prospects. I, for one, shall take into the fullest consideration the propositions of the right hon. Gentleman respecting the commerce of the country, reserving to myself a perfect freedom of acting with regard to them as I shall deem fit; but I cannot consent to involving the House in a question of such magnitude as that intimated by the noble Lord, resting it on the most imperfect data, or in what professed to be a budget, but which was totally wanting in any calculations as to the extent of the deficiency to be supplied. This, at all events, is certain, that at the end of the next financial year there will be a deficit of 7,589,000*l.*; and that there has been a continued deficit for five years. I see I am alarming the Chancellor of the Exchequer. Familiar as he is with the subject, he can hardly believe the extent of the deficit under the financial administration of the Government of which he is a Member. I will, however, satisfy the right hon. Gentleman that I am not making an incorrect statement on this point. Beginning with 1838, I find that the deficit for that year was 1,428,534*l.*; for 1839 it was 430,325*l.*; for 1840 1,457,133*l.*; for 1841 1,851,997*l.*; and the Chancellor of the Exchequer estimates, that the deficiency for 1842 will amount to 2,421,000*l.*; making an aggregate of 7,589,079*l.* Who is responsible for this. You professed that your main object was retrenchment and economy. I look to results. I ask you for your accounts as the results of your policy as tested by the expenditure. I ask you to account for a deficit of seven millions and-a-half upon the results of your financial policy for the last five years. It may, perhaps, be supposed to arise from a failing revenue. Quite the reverse. The revenue has maintained itself. In 1836 you had a revenue of 46,270,828*l.*, and then you reduced taxation, and, now, before your financial scheme comes into operation, you calculate that the revenue for the year ending the 5th of April, 1842, will be 48,310,000*l.* Consequently, without resorting to fresh taxation, you have the large surplus of two millions, comparing the income of

1836 with that of 1842. I wish to establish my position point by point. The deficit has not been owing to a failing revenue; you have an increasing revenue; and yet the result of your policy is a deficit of 7,589,079*l.* The hon. Member for Kilkenny said, that we on this side of the House voted for large estimates. No doubt we did so, because we thought the position of the country absolutely required that expense should be incurred. But are we, who voted for the estimates which we thought the public exigency required, responsible for the expenditure of those who have continued to give their unabated confidence to the hon. Gentlemen by whom the deficit had been created? Would it not have been perfectly consistent in Mr. Fox to have supported the estimates for the army and navy in 1796, and yet to have condemned the policy which rendered them necessary? It was perfectly consistent for a Member to say that the exigences of the country required an augmentation of the army and navy; that Canada and the north-west of India must not be left unprotected; but, at the same time, to contend that the general scope of the policy of the Government was responsible for the creation of the exigency. Surely a Government that shows at the end of five years a deficit of 7,589,079*l.* labours under a *primâ facie* suspicion that the main objects which it professed to have in view; namely, economy and retrenchment, have not been successfully prosecuted. Suppose the case were reversed, and that by their course of policy the Government had been able to make a saving equal to the deficit, and to reduce taxation to that amount—would they not have taken credit for such a result? Let us look at our present position. The total sum required for the services of the present year, including the national debt, was 50,731,000*l.* The revenue, however, is not equal to this amount by the sum of 2,421,000*l.* The Chancellor of the Exchequer says, that the income ought to be made equal to the expenditure. I cordially agree with him on that point. I have always contended that it was a disgrace for a great country like this not to have an income on a par with its expenditure, and therefore I admit the necessity of equalising them. The Chancellor of the Exchequer says he will raise 1,700,000*l.* some way or other. I know not whether he will succeed in doing so, for the right hon. Gentleman has furnished us with no data by which I can form a judgment on that point. The changes in commercial policy which he proposes may be very wise; they may set a most beneficial example, but that which concerns us, at the present moment, is their financial produce; and if they disappoint the right hon. Gentleman's expectations in that respect; if they do not bring money into the coffers of the public treasury, they will, in spite of all the eulogiums which the right hon. Gentleman passed upon his schemes (though not altogether unimportant and beside the question), go a very short way towards extricating the country from its present difficulties. Suppose, however, the Chancellor of the Exchequer realises his expectations. We shall then have an income of 50,000,000*l.*, and an expenditure of 50,731,000*l.*; that is to say, a deficiency, after this great financial effort, of 731,000*l.* From this we must deduct 591,000*l.* for the extraordinary expenses of the navy debt and the China expedition, which would reduce the deficit to 140,000*l.* But the Chancellor of the Exchequer consoles himself by thinking that extraordinary expenses are not likely to occur again. I recollect that when the Canadian rebellion broke out, you held precisely the same language. I then said, that looking to our extensive possessions, to our complicated relations in every quarter of the world, we must, if we were to look forward, be prepared for the occurrence of some similar contingency. I think my prophecies have been fulfilled, and that it will henceforth be necessary to prepare for such contingencies as the China expedition, the war in Affghanistan, and the military operations on the coast of Syria. As I said before, there will still be a deficit at the end of the year, supposing the financial schemes of the Chancellor of the Exchequer to be quite as successful as he himself anticipates. I will not express any opinion with respect to the policy of those schemes; because I feel deeply the magnitude of the interests which are involved in them, and I wish to have time for consideration before I pronounce an irrevocable opinion respecting them. I observed that, when my right hon. Friend stated that he would not upon this occasion enter into the consideration of the policy of the measures proposed by the Chancellor of the Exchequer, he was met by a sort of triumphant cheer or titter, which seemed to imply that when such magnificent schemes as the present are propounded for the first time, no one ought to claim the privilege of taking even a few days to consider them, but every Member should at once be prepared to declare whether he would or would not adopt them. The cheer to which I refer shall not shake my resolution to abstain from pronouncing a hasty opinion on this question. I happen to recollect that in the course of last Session the hon. Member for Wigan, whom I see opposite, made a motion on this very subject, and before hon. Members reproach us with shrinking from expressing an opinion on the subject of the admission of sugar into this country, I beg to call to their recollection what passed upon that occasion. I refer to this matter only for the purpose of justifying myself for taking time to consider before I acquiesce in the extravagant eulogium which the Chancellor of the Exchequer passed on the merits of his scheme. The hon. Member for Wigan proposed last Session to reduce the duty on sugar from 63*s.* to 34*s.*; the Chancellor of the Exchequer's proposition is to reduce it from 63*s.* to 36*s.* Thus, there is the difference of only 2*s.* between the two plans. The proposition of the hon. Member for Wigan was not hastily adopted by the House. Hon. Members on the other side of the House treated it with precisely the same prudent reserve which I now exhibit with respect to the Chancellor of the Exchequer's plan. The hon. Member for Wigan's proposition was rejected by a majority of 122 to 27; and although the Chancellor of the Exchequer seems now so deeply sensible of the advantages of the commercial principles which he has eulogized so loudly, and could not help taunting us on this side of the House, by a look at least which no one was so *crasse* as not to perceive, I nevertheless find his name recorded as one of the majority which rejected the hon. Member for Wigan's motion. I can assure the Chancellor of the Exchequer that I do not refer to his former opposition to the measure with the view of showing that he ought not to adopt it now. If he thinks the financial condition of the country requires the adoption of the measure at this time, it would be miserable and unworthy conduct on his part not to propose it because he objected to it formerly. I merely wish to show that I am justified in withholding my assent to the right hon. Gentleman's scheme, until I have had an opportunity of maturely considering its details. When the hon. Member for Wigan's motion was under consideration, the right hon. President of the Board of Trade expressed his opinions on the question moderately and ably, and I will take the liberty of reading to the House some passages from his speech. The right hon. Gentleman said, he agreed with the hon. Member for Wigan in all his financial principles, and then proceeded as follows:—

"Therefore if, on looking at this question, he were to do so merely in a financial and commercial point of view—if he applied to it only the ordinary rules by which the House ought to be guided in discussing matters of this kind—rules which involved the extension of a due protection to the colonies, to the consumers of colonial produce, and to the trade of this country—he should have no hesitation in saying, that an abundant case had been made out for a reduction of the duty upon foreign sugar, to such an extent, as should admit of its importation into this country. But could they for a moment induce themselves to say, that the whole question of sugar and of the sugar trade, was one of that simple nature? Could they for a moment induce themselves to say, that this question was not one which they were bound to consider in connexion with many others? Could they bring themselves to believe, that they would be meeting the real wishes of their constituents, or that they would be doing their duty to their country, if in dealing with this question they excluded the consideration of other matters of a very important nature, which they were bound to bear in their minds when they attempted to deal with any thing affecting the interests of the sugar producing colonies. . . . . . . His hon. Friend, the Member for Wolverhampton (Mr. Thornely) had advanced that argument, and in proof of its accuracy, had referred to the commodities of tobacco, cotton, and coffee, which were the produce of slave labour, but which were, nevertheless, imported in very large quantities into this country. He was not prepared to say, that upon this subject the course of legislation in England had been consistent, but he thought that a broad distinction was to be drawn between the importation of sugar and the importation of tobacco and cotton. It was to be borne in mind that the two latter commodities did not enter into competition with any similar articles raised by free labour in our own colonies. There was this distinction also, to be drawn with respect to coffee, that our colonies had never possessed the exclusive market of this country for the supply of it.

But the question now was, whether we should this year throw into the British market a large quantity of slave-grown sugar. Without pledging himself to any abstract opinion upon the question, he must again say that he was not prepared to recommend the committee to assent to the proposal of his hon. Friend."*

I do not blame the right hon. Gentleman for his caution. On the contrary, I think the passages I have read indicate views which are worthy of deep consideration. They show that this is not a mere financial question—that it is not a mere commercial question, but that we are bound to consider it in connexion with the effect which the introduction of slave-made sugar may have in retarding the progress of the great experiment now going on as regards the production of sugar by free labour. I will not go the length which the hon. and learned Members for the Tower Hamlets and the City of Dublin did, when the hon. Member for Wigan's motion was before the House. I will not prejudice the future consideration of the question, by expressing as strongly as those hon. and learned Members did, the opinion that the inevitable effect of the measure must be to encourage slave labour; but I claim for myself to consider the subject in connection with the great principles involved in it, and its bearing on the great experiment now going on, for which this country made so great a sacrifice, as well as its probable effect in encouraging the evils of slavery in other parts of the world besides her Majesty's dominions. I hope I have now said enough to justify the course I mean to pursue in avoiding expressing any opinion at present upon the policy of the Chancellor of the Exchequer's plan. With respect to the main subject which has been presented to our consideration, namely, the proposed change in the Corn-laws, I can only repeat what I have already stated. You have brought that forward as a financial measure, connected with the budget, and having so connected it, it was your duty to take the same course with it as you have done with respect to timber and sugar, and to state distinctly the outline and details of your plan. That was your duty, and the only course you could have taken to avoid the dreadful animosity which I fear will arise out of this matter. The only way to prevent extravagant expectations from being formed, is for the Government immediately to explain what their plan is. It ought to have been explained to us to-night, but now I have no hesitation in saying, that the only way to relieve public anxiety, and to prevent excitement and distress, is for Government to take the earliest possible moment of submitting their proposition on this subject to the House.

Lord *John Russell*: I do not blame the right hon. Baronet for declining to enter into all the considerations connected with the proposition which my right hon. Friend has submitted to the House. Nothing can be more reasonable than that he should reserve his opinion for a few days, in order that he may enter into the calculations submitted by my right hon. Friend. Neither do I blame the right hon. Baronet for resorting, upon this occasion, to his usual book of consolation—Hansard. The right hon. Baronet always refers to it, and for many years it has furnished him with topics of consolation.

Sir *R. Peel:* Not when reading your speeches.

Lord *J. Russell:* I do not think that the right hon. Baronet has made out any case against the Government with respect to the topics to which he has adverted. The right hon. Baronet has found fault with the estimates and expenditure of late years, and showed—what is perfectly true—that, though the revenue has not failed, the expenditure has exceeded the income. One would suppose that the right hon. Baronet, like the hon. Member for Kilkenney, found fault with the expenditure. Not at all; he was obliged to admit that he approved of it. It would, indeed, have been very remarkable if the right hon. Baronet had condemned the expenditure, the chief topic of blame against the Government with the other side of the House having been that the army and the navy, but particularly the latter, was not sufficiently large, or well enough appointed. It was true, that at one period the stores in some of the dockyards were too much reduced. I heard the other day from a gallant admiral, who presides over one of those establishments, that he once thought they were fearfully low. Means were taken to supply the deficiency; that, of course, created expense, and that was one reason why the expenditure had exceeded the income, and why there is a navy debt to be provided for. When the occasion arose—when we found foreign powers were increasing their fleets—ships were fitted out in our ports, and despatched on service equal in number to those of other nations, with a degree of expedition and promptitude, and, at the same time, with an absence of ostentation and bustle, which, although it did not elicit the approbation of those who previously found fault with the state of the navy, excited the admiration of those who were conversant with such matters. [*Hear, hear.*] Do hon. Members on the other side find fault with the expenditure on account of the army? On the contrary, whenever we bring forward the estimates for that service, a right hon. Gentleman opposite, who once filled the office of Secretary at War, declares that the army is not sufficiently large for the wants of the empire, and that it is a hardship upon those engaged in military service not to call for more men, and, consequently, more money. But the right hon. Baronet said, that though he did not object to the estimates, he might to the policy which rendered them necessary, as was the case with Mr. Fox, in 1796. I admit it; but has the right hon. Baronet disapproved of our policy? On the contrary, with respect to all the great heads of expense, the suppression of rebellion in Canada, the attempt to obtain reparation from China for injury done to our subjects, and the policy pursued in the East, the right hon. Baronet has expressed his approval of the policy of the Government. If, then, you condemn neither the estimates themselves, nor the policy which has produced them, what right have you to find fault with the sum total, and to complain that the balance-sheet exhibits a considerable excess of expenditure as compared with that of former years? I am prepared to justify the expenditure, and the policy which caused it. If foreign powers will augment their fleets, it becomes us, a great maritime power, to do so likewise, at whatever cost, to show that we have lost none of our ancient strength, but are determined and able to maintain our character and position amongst the nations of the world. The noble Lord, after observing that the deficit on the last six years was not so large as had been stated by the right hon. Baronet, said he would now proceed to notice what had fallen from him on the subject of the Corn-laws. The right hon. Baronet (Sir R. Peel) thought proper upon the subject of the Corn-laws to say that he (Lord John Russell) ought immediately to bring forward the question, and that it not being brought forward, would produce agitation in the country. Now, if he (Lord John Russell) were to say, that the Government held the doctrine of a total repeal of the Corn-laws, he could imagine that that would be a doctrine that would have great popular influence, and that upon such a proposition there might be very considerable agitation. But, with regard to the proposition which he was about to make, holding to the principle of a certain fixed duty, he certainly did not expect that any such agitation could arise as the right hon. Baronet (Sir R. Peel) seemed to suppose. He believed it had been the doctrine of all those who endeavoured to make themselves popular upon this topic, that no article of food ought to be made the subject of taxation. The Government, therefore, proposing to continue a tax upon the importation of corn, the first and most important article of food, could not be said to be taking a course for the mere sake of popularity. As to the question of the corn-laws in general, every one knew that it was in discussion now, and had been in discussion every year for a long time past. He (Lord John Russell) had no doubt that commercial men would look with anxiety as to what might be the decision of Parliament in respect to the regulation of the trade in corn; but he had no conception that the lapse of time which he proposed prior to the discussion of the ques- would at all produce the excitement to which the right hon. Baronet had referred. He had stated already that there was other business before the House; and he thought it would be a most inconvenient course of proceeding to interrupt that business for the sake of bringing forward new business, unless there was an absolute necessity for doing so. For his own part, he saw no such necessity. He believed that it would be infinitely more convenient, and infinitely more proper, to go on with the measures now in progress, than to interrupt them and bring them to a stand-still by the precipitate introduction of a discussion on the question of the corn-laws. The right hon. Baronet might endeavour to evade the question by seeking to bring it to an early discussion; but the right hon. Baronet might depend upon it that the attempt was one that would not be successful. It was a matter of such great importance—of such paramount interest, that if the people of England believed that the whole question had not been fairly discussed, and that every kind of deliberation had not been bestowed upon it, so far from being satisfied with the decision that the House might come to upon it, especially if that decision were adverse to the popular view, they would instantly arouse themselves with a new spirit upon the subject of these laws, and would assume an attitude that might afterwards render the adjustment of the question a matter of greater difficulty if not of absolute danger. What he (Lord John Russell) really wished upon the subject was, that it might be discussed with all temper and fairness. He was sorry to see that there did not appear to be a disposition, on the part of the Gentlemen opposite, so to consider it. He could not think that the very great anger that had been exhibited in that quarter of the House had its rise in the simple circumstance of the question being brought forward some fortnight sooner or later. He could not but think, that the anger was attributable to the fact that the question of the modification of the corn-laws was now entertained by the Government. He was sorry that such a feeling should have any influence on any part of the House, but it would not change the course which he felt it to be his duty to pursue.

---

* Hansard, vol. lv. p. 84, 85

Mr. *Wakley* must certainly confess that he for one did not participate in the exultation which was displayed on that (the ministerial) side of the House, when the right hon. Gentleman the Chancellor of the Exchequer opened his budget. He could not discover in the materials of that budget those sources of satisfaction which appeared to give so much delight to the hon. Gentlemen around him; and when he heard the Chancellor of the Exchequer state, that it was his intention to set the finances of the country upon a fixed and permanent base; when he heard the right hon. Gentleman state that it was inconsistent with the character and institutions of a great country like England, that its expenditure should continually exceed its income;—when he heard the right hon. Gentleman, in such a tone of sincerity and confidence, declare to the House what would be the plan of policy for placing the finances of the country on a more secure and honourable foundation—he must confess he felt greatly disappointed by the announcement that at last was made. The right hon. Gentleman stated, as had been correctly repeated by the right hon. Baronet (Sir R. Peel), that for the next year there would be a deficiency of 2,400,000*l.* Then the right hon. Gentleman announced what was his mode of making the income exceed the expenditure. Upon that head he furnished the House with only two fixed and positive proposals—one for altering the duty now paid on the import of foreign sugar; and the other for altering the amount of duty now paid upon the import of foreign timber, from which two alterations he anticipated an increased revenue of 1,300,000*l.*, leaving, in fact, a deficiency of 1,100,000*l.* But, said the right hon. Gentleman, "I will now take into calculation an actual deficiency of no more than 1,700,000*l.*, and, having provided for 1,300,000*l.* of that amount by the alteration of the import duties on sugar and timber, I must refer to the question of the corn-laws," and he then gave the House plainly to understand that the remaining 400,000*l.* was to be supplied by some means or other through an alteration to be made in those laws. Now, if that proposition were made in a Budget brought forward by a Government which could command a majority in that House; by an administration which was capable of carrying out its proposal; by an administration which had the voice of a majority of that House and the confidence of a majority of the people of the country, he could easily understand that the proposition contained in itself something of a substantial and tangible character, and that the 400,000*l.* might be counted upon as the probable, if not certain, result of the calculations that had been made. But after all the protestations that had been made by the Chancellor of the Exchequer — after the glowing announcement that there was in future to be an income exceeding the expenditure, the House at length found that, with a certain and positive deficiency of 1,700,000*l* an increased revenue of only 1,300,000*l.* could with any certainty be counted upon, but that there was a probability —that it was not impossible, that it might so happen that an additional 400,000*l.* would be procured from an alteration in the Corn-laws. So that, after all, the ability of the Chancellor of the Exchequer to meet the deficiency of the ensuing year was made to depend upon a contingency. This did not appear to him

(Mr. Wakley) to be a statesmanlike mode of proceeding. He did not believe that the people of the country would be satisfied with such a mode of proceeding. What the people of this country required was relief from the present enormous pressure of taxation. What the people of England required was a diminution of the national expenditure. In 1836, the expenditure of the country only by a trifle exceeded the sum of 46,000,000*l.* What did it amount to in 1841? According to the calculation which the Chancellor of the Exchequer himself had made, it would amount to 50,731,000*l.* Now, was that economy. Was that retrenchment? The hon. Gentlemen on that (the Ministerial) side of the House cheered, and rejoiced at the announcement made by the Chancellor of the Exchequer, and appeared to be satisfied with the calculations which the right hon. Gentleman laid before them; but he said that what the country required was a diminution of expenditure, and that if there was not a diminution of expenditure the people could experience no real relief from the projects which the Chancellor of the Exchequer had made. The noble Lord the Secretary for the Colonies (Lord John Russell) had called upon the House to relieve him from the imputation of having brought forward the proposition for affecting an alteration in the Corn-laws for the purpose of agitation. The noble Lord called upon the House to absolve him from the imputation of having brought that subject forward from any improper motive. The House at once responded, and in an honourable manner, to that demand, and by its tone appeared to admit the perfect truth and sincerity of the noble Lord's intentions. Now he hoped that this liberality on the part of the House would teach the noble Lord a useful lesson. The school of adversity did often teach most useful lessons; and as the condition of the noble Lord at the present moment could not be described as the most flourishing or the most comfortable that a political leader would aspire to, he trusted that the liberality now shown towards him by the House would not be lost upon him. The noble Lord said, that the present was the particular time—the particular moment at which it would be most especially useful to the interests of the country that a proposition for an alteration of the Corn-laws should be made. Was not this a new-born idea. How old was it. Had it been born since last night. Was it one day old, or six months old, or twelve months old. What new materials had been brought to view?—what information did the present year afford that had not existed last year?—what new light had broken upon the Government to convince them of the necessity of taking up the question of the Corn-laws. He could not help regarding it as somewhat hard upon the Radical section of the House that the Chancellor of the Exchequer, in making his proposal, had not in any way alluded to the motion last year made by the hon. Member for Wigan (Mr. Ewart). The fact appeared to be this, that the Exchequer being nearly empty, the Government were obliged to come to the Radical shop for protection. That being the case, was it too much to ask that they should have the candour to make an acknowledgement that they were receiving their supplies from Radical stores. It was no discredit for them to do so, if all their own good materials were sold and disposed of. They might not be answerable for the small quantity of inferior goods that was left; but if the Radicals had the good fortune some years ago to foresee what the exigencies of the country would be, he (Mr. Wakley) must say that it would be but fair that some acknowledgement should be made of the value of their discoveries and the accuracy of their calculations. The noble Lord (Lord John Russell) having made his proposal with regard to the Corn-laws at this particular time, was, at his own request, absolved from the imputation of any impropriety of intention; but he (Mr. Wakley) must say that if the representative of any large metropolitan district, in a moment of exigency, or of doubt, or of difficulty as regarded his seat, had brought forward such a proposition, it was very probable that he would be designated as a mischievous demagogue. As the noble Lord however, had been actuated by nothing but the principle of pure beneficence, he was sure the noble Lord would agree with him that there might be more than one English Cato. He had always advocated an alteration of the Corn-laws. As long as he had given his attention to political subjects, he had always considered that the Corn-laws were injurious to the best interests of the country; but he had never considered that the great and momentous question of their repeal or alteration was to be taken into consideration alone. It was a question affecting the whole of the interests of the empire, not only the commercial interest, but the agricultural interest: and when it was argued as a question which was only to give relief to the manufacturer, the House and the country ought not to forget that the farmer was himself a manufacturer; and that the husbandman was himself a skilled—in many instances a most highly skilled—artizan. If, therefore, a change were to be made in the Corn-laws—if the House were about to take away the protection which one class of manufacturers enjoyed—then the representatives of the other class of manufacturers who sat on that (the Ministerial) side of the House, ought to bear in mind that it would be utterly impossible that they could retain those protective duties which the agriculturists very rightly considered as operating most beneficially to the manufacturers' interests. If the manufacturers and the agriculturists, the owners of mills and the owners of farms, would meet this question in a fair, an honest, and a candid spirit, free from party views, free from the desire to obtain political triumph, free from faction and the strife of contending interests, he believed that the benefit which the country would derive from such a consideration of the question would be incalculable; but if a Corn-law agitation were to be set up if the question were not to be considered in the manner he had stated—if there were persons who intended to put it forward merely to obtain a triumph for a political party, throwing the country into a state of agitation and convulsion from one extremity to the other—if there were such men, acting with such views, then there could be no term of reproach that they would not most richly deserve. But if it were the intention of great and influential leaders in that House fairly and honestly to go into the question, then he (Mr. Wakley) was of opinion that the greatest possible good might result from such an investigation. But was it sufficient for the noble Lord to frame his motion merely to include the Corn-laws? Would such a motion answer his purpose, or be likely to receive the support of the House? No, an objection, a fatal objection, would be taken at the outset to a motion so framed. He would, herefore, entreat the noble Lord to alter or modify his motion in that respect, and to take the whole question of protective duties into consideration, not merely the protective duties with reference to corn, but the protective duties with reference to manufactures. He hoped that the hon. Member for Manchester (Mr. Phillipps) would not object to such a course of proceeding. If the noble Lord consented to take that course, he would soon occupy a position of extraordinary influence and power in the country: but if he simply lodged himself upon the position he had that night announced—the position of considering the Corn-laws by themselves, and merely as a matter of revenue, he would be adopting a line of proceeding that could by no possibility produce good, and in all probability would be followed by an immensity of evil.

Viscount *Howick* was sorry that the right hon. Baronet the Member for Tamworth, (Sir Robert Peel) was no longer in his place, because he was anxious to express to the right hon. Baronet, the great satisfaction with which he had listened to his eloquent description of the evils which he thought would arise from the uncertainty existing for some weeks in the public mind as to the amount of duty, that the Government would propose to remit upon the importation of foreign corn. The right hon. Baronet said, that persons would be speculating as to the amount of reduction that would be proposed, and that until that point was cleared up all transactions in the way of business would be at a stand still—all dealings between farmer and landlord, between merchant and manufacturer, would be suspended: in short, that the whole trade of the country would be thrown into a state of confusion and embarrassment. That was the description of the right hon. Baronet; but to what extent were the evils he pictured likely to be realized? His noble Friend (Lord John Russell) said, that his intention was to propose a moderate fixed duty. Then every gentleman in the country had the means of guessing within a comparatively few shillings what the amount of the reduction would be; and if an uncertainty as to a few shillings were to produce the results which the right hon. Baronet had described—if the right hon. Baronet had so strong a sense of the evils arising from an uncertainty to such an extent, then he claimed the voice of the right hon. Baronet in support of the argument which he advanced, as to the mischief resulting from the much greater uncertainty of the existing law. Because under the existing law the uncertainty was not as to whether a duty of 5*s*. or 10*s*. or 20*s*. should be levied; but whether there should be a mere nominal duty of 1*s*., or a duty which was absolutely and entirely prohibitory. And this uncertainty prevailed not for three or four weeks, but existed constantly, and was a part of the permanent condition of the country. Yes, the corn merchant—the merchant who exported other articles (for all were affected by the duty on corn)—the Bank of England, and all persons dealing in bullion, in short, every class and branch of industry and trade were exposed, at the present moment, under the system of fluctuating duties, to the full force of that uncertainty, the mischievous consequences of which the right hon. Baronet had so well described. At the distance of a few months, or even weeks, no man, not the wisest nor the best acquainted with trade, could say whether, under the present system, the duty on corn would be nominal or prohibitory. He thought, therefore, that the admission which the right hon. Baronet had made that evening would enable those, who looked to the substitution of a fixed for a fluctuating duty on corn, to calculate upon his support whenever the proposition for a fixed duty came under the consideration of the House. The hon. Gentleman who had just sat down had made some remarks as to the mode in which he thought this question of the corn-trade ought to be considered, and he confessed that he entirely concurred with the hon. Gentleman in the opinions which he had expressed upon that point. If he understood him correctly, the hon. Gentleman said, that to deal with the corn-trade as a single and isolated question, would be an act of very great imprudence, and perhaps of danger. He agreed with the hon. Gentleman that the proper mode of entering on the question was, not to deal singly with the Corn-laws, but to take into consideration the whole subject of our protective duties, with the view of ascertaining whether, in lieu of levying fresh taxes and increasing the burdens of the country, it might not be possible, by an enlightened modification of existing duties, to give a stimulus to all the great interests in the kingdom, and to secure a greatly increased revenue. He entirely concurred in the opinion that to deal successfully with the question of protective duties, it was necessary that they should be considered collectively, and not be dealt with, or attempted to be dealt with, in an insolated and separate form. And if he rightly understood his right hon. Friend (the Chancellor of the Exchequer), that was precisely the policy which the Government intended to pursue. His right hon. Friend alluded to a certain list of duties which he expected to have a principal effect in increasing the revenue; but unless he greatly misapprehended what fell from his right hon. Friend, he said, that it was not only the intention of the Government to deal with those duties, but with others likewise. He trusted that that might prove to be the case; and he most earnestly entreated his right hon. Friend, in dealing with the subject in general, to consider the corn-laws as an essential part of his measure; for he was persuaded, that as part of a general system for remodelling our commercial policy, for increasing the productive power, and the wealth of the country, and for extending our trade in all directions—his right hon. Friend would not find it impossible to succeed in carrying a modification of the corn-laws. He was the more encouraged to entertain that expectation from the remarkable silence of the other side of the House, upon this great question of policy. The right hon. Baronet (Sir Robert Peel) said, that he would not undertake to pronounce an opinion upon the proposed reduction of the duty on foreign sugar, and referred to a speech last year made by the President of the Board of Trade, to show that great interests and very important considerations were involved in the question. It was very natural that the right hon. Baronet should refuse to pledge himself upon that particular question. But the right hon. Baronet, and the Gentlemen who occupied the benches opposite, could not be ignorant that this was not a question of one or two particular duties, but a general question of increasing the revenue, by a remodelling, and a modification, of obnoxious protecting duties on the one hand, and of imposing new burdens on the people on the other. He would not for a moment throw such a reflection on the distinguished Gentlemen by whom the right hon. Baronet was surrounded, as to suppose that, in the present situation of the country—in the present difficult position of financial affairs—they had not given their best and most earnest consideration to the great question of fresh taxation on the one hand, and a re-modelling of existing taxes on the other. He could not believe, that they had not given their attention to that great question; and he was convinced if they were opposed to the policy of his right hon. Friend the Chancellor of the Exchequer—if they were determined to insist on the imposition of new burdens—if they were not disposed favourably to consider the policy of obtaining the revenue requisite to meet the exigencies of the service, by diminishing rather than increasing existing burdens, they would that night have felt it their duty to prevent the hopes of the country from being unduly roused—would have felt it only just and fair to their political opponents, and to the country, to say at once, " We will not give in to any plan of that kind—we will look, not to the remodelling of taxes, but to the imposition of new burdens for the means of carrying on the public service." He trusted that public opinion, both in and out of that House, would be decidedly opposed to any proposition for fixing new burdens upon the people, until the wiser course pointed out by the Government had been tried. For himself, he could only state, that having had the misfortune once to differ from them in opinion, upon a point of very considerable importance, it was with very great satisfaction that he found himself upon the question of policy now under the consideration of the House, at liberty to give them his most hearty support. Representing, as he did, a large portion of the people of this country, he held it to be a duty imposed upon him by considerations against which he felt it impossible to close his eyes, not to consent to any imposition of new burdens upon the people during a period of peace. The valuable information which had, last year, been brought to view by the committee appointed upon the motion of his hon. Friend behind him (the Import Duties Committee), had produced a great impression on the public mind. He was not prepared to say, that he adopted the opinions of all the witnesses examined. It was very possible that some of them might have exaggerated the immediate benefits, though not the ultimate benefits which might result from the adoption of their views. But this he would say, that facts, resting upon the clearest and most undeniable evidence, had been brought forward—facts which it was utterly impossible to controvert; and the conclusion drawn from which it was equally impossible to shake, which, in his mind, completely proved that very much might be done by the remodelling of taxation to increase the revenue of the country. He went further than this, and would say, that what had fallen from the Chancellor of the Exchequer that evening was, in his opinion, perfectly true, namely, that there were symptoms in the present condition of the country, whether regarded in its foreign relations or its domestic circumstances, which showed that we were on the eve of a most important crisis, and that care must be taken to improve the productive powers of the country. That productive power could only be exercised and improved as it ought to be, by facilitating the general system of exchange,—availing ourselves on the one hand of those natural advantages which we possessed, and on the other availing ourselves of the natural advantages enjoyed by our neighbours. This was the plain and simple policy which must be adopted if we would avert the most serious evils. He knew, from the information which was open to every Member of the House, and which was particularly drawn under his own consideration, when he had the honour of occupying a seat on the bench above him, that in every country of the world, as his right hon. Friend, the Chancellor of the Exchequer had truly stated, our example, and not our reasoning, was what was looked to. Whether we were negociating with America, with France, with Spain, with Germany, it was our acts, not our words, that were regarded. He knew well how often, in negociating with Spain, it had been represented to the Government of that country—" Your revenue is falling off. The way to place your credit upon a stable foundation is, to modify your duties on our manufactures. This would benefit us, but it would be infinitely more beneficial to you. The only person who would suffer would be the smuggler." The same argument had been used with other countries, but all of them—finding that when we ourselves were in precisely the same situation—when we ourselves had a deficient revenue—we refused to seek an increase of revenue by a modification of import duties—declined to accept our reasoning, and persisted on acting upon our example. He most earnestly hoped that the subject would be dealt with, as the hon. Member for South Lancashire had recommended at an early part of the evening, without reference to party interests and animosities, and that all the great interests of the nation, manufacturing, commercial, and agricultural, would consider calmly and temperately, but seriously and earnestly, what was really essential to the common interests of themselves and the country.

Mr. *Mark Philips* said, he thought the speech of the noble Lord (Lord Howick) was calculated to produce a great and good impression in the country, as to the measures proposed by the Chancellor of the Exchequer. But he did not rise to discuss the Budget. He had been personally appealed to by the hon. Member for Finsbury, and he begged to assure that hon. Gentleman, that his constituents at Manchester were not actuated by the narrow views and feelings which he had attributed to them. As an evidence of that fact, he might mention, that he had that evening presented two petitions from Manchester, which, had the hon. Member for Finsbury been in his place at the time, would have satisfied him that his apprehension were unfounded, in which the petitioners repudiated the imputation of seeking for protecting duties on any one article in the manufacture of which they were personally interested. He could not help congratulating the House and the country, that, at last, the great question of the Corn-laws was to emanate from the hands of the Government. He was himself firmly convinced, that the time had arrived when that question could no longer be postponed, if this country were to maintain its greatness, and its high and proud position with reference to other nations. Seldom had he witnessed so great a depression in the manufacturing trade as existed at present. It had gone on increasing for the last three years, and the expectations which the manufacturers had from day to day entertained of some measures being passed for their relief had always ended in disappointment. It appeared to him, that the foreign trade of the country was getting worse and worse; and the evils, he feared, would not be remedied until some measure was adopted by which the products of the different countries could be interchanged with a greater degree of facility than they were at present. This country, from the increase of her population, and the increase of her products, had been obliged to seek a market in every part of the world; but the British manufacturer, in consequence of his not being able to take the products of the countries to which he traded, was compelled, most injuriously to his interests, to submit to long credits, leaving his capital in the hands of foreigners for six, eight, and even twelve months, which, had he been able to take their commodities in exchange, he could have employed to his own advantage at home, instead of finding the foreigner a capital on which to trade. The proposals made by the Chancellor of the Exchequer that night had his cordial concurrence. He was glad that the right hon. Gentleman had come forward, and, instead of proposing to lay any new burdens on the people, sought to try whether he could not, by an expansion and alteration of the fiscal duties, relieve the industry of the country. He viewed the question as one of the deepest interest, and he looked to the result not with apprehension, but with satisfaction; for he felt quite certain, that the right hon. Gentleman, in his estimate of the future revenue from the sugar duties, which had, at least, rather underrated the amount than otherwise. He felt quite confident, that the proposal would be hailed with the greatest satisfaction by the ship-owners as well as by the manufacturers. In regard to the additional expenditure that had been incurred, he thought hon. Gentlemen opposite were not entirely free from blame in this respect. Who was it, he would ask, that, by denying the efficiency of the British navy, had led foreign countries to fancy their naval force superior to our own, and by misrepresentation had given them to understand, that the British navy was in such a state of rottenness and decay, that it might be sunk with impunity? Those who had been guilty of this indiscretion ought not to object to the increase of the expenditure in the navy estimate, for it had been caused, in a great measure, by the outcry which certain parties had raised, and which had induced foreign powers to increase their naval force, in the expectation that it would be superior to that of England. He hoped, from what had taken place, that they would be taught a lesson for the future: and for himself, he could only say, that he would never join any factious opposition, which course he believed would always be found ultimately detrimental to the interests of the country. In conclusion, he would like to hear the hon. Member for Finsbury state what course he meant to take on this question, for he thought that he had expressed his opinion somewhat equivocally. For himself, he could only state his belief, that the manufacturers were not inclined to ask for any benefit to themselves, without at the same time looking to the general interests of the community.

Mr. *Aaron Chapman* said, that he apprehended that the effect of the proposal of the Chancellor of the Exchequer, in regard to the timber duties, would be to drive that particular trade into the hands of other nations. In this way the commercial marine of England would be destroyed, and the glory of the British navy would soon come to an end. It was quite impossible to get the necessary timber, especially masts and spars, without having recourse to Canada; and if they abolished the protecting duties, the timber trade in that country would of necessity be destroyed. The hon. Member complained that the report of the Import Duties Committee had been distributed without certain resolutions (which the committee had agreed to) being circulated along with it.

Mr. *Labouchere* did not rise for the purpose of addressing any lengthened observations to the House on either of those great questions which his right hon. Friend the Chancellor of the Exchequer had announced for discussion, because there would be other opportunities for discussing those questions with the deliberation which each of them required, being three of the most important questions connected with the trade and revenue of the country. Some remarks had been made in the course of the debate which rendered him desirous to ask the indulgence of the committee for a few moments. His noble Friend the Member for Northumberland had asked whether the Government had brought forward the question of the corn-laws as an isolated question, or as a question depending on some general principles which they were disposed to recommend for the general adoption of that House and the country. He had no difficulty in giving a decided answer to that question. He thought, indeed, that his right hon. Friend the Chancellor of the Exchequer had stated that the Government, in proposing to the House to revise the duties on corn, did not do so in reference to that one question only, inasmuch as they had come to the conclusion that it was necessary for the great interests of the country to revise the other branches of the commercial system. They thought, however, that it would be impossible to do so without, in the first instance, making an attempt to grapple with the difficulties of that question, which was the greatest of them all in a commercial point of view—the question of the corn duties. If Government, while they were prepared to recommend measures for the relief of the manufacturing classes had shrunk from those connected with the other interests of the community, he thought their conduct might have been liable to the reproach of the House and of the country. His right hon. Friend the Chancellor of the Exchequer had been accused of making the corn-laws a budget question. He did not think his hon. Friend had done so. His hon. Friend, while dealing with the other great commercial questions, had thought it right, also, to consider the question of the corn-laws, inasmuch as he could not ask the House to impose taxes which he thought he might be able to procure from these sources. He had said, that he thought it desirable to carry the same principle into effect in all the three questions adverted to. He would not say, that it could be done all at once in a hurried and precipitate manner. On the contrary, looking to the vast interests involved, he thought that it was not a thing to be done without due care, caution, and deliberation. Having arrived not only at a great financial, but also at a great commercial crisis, he hoped the House would show to the country that they were disposed to act in the right direction, and that with all the care and deliberation which the circumstances required. Some hon. Members had alluded to the report of the import duties committee, and seemed to suppose that the agitation on the subject had been caused by the distribution of that report. The hon. Baronet the Member for Stamford seemed to be of opinion that all the outcry and agitation had sprung out of the report. Now he had opportunities of judging, and he must say, that he never recollected any feeling so general, so intense, yet at the same time less clamorous than that which existed on this subject. The agitation had not been got up, or the flames raised, by the misrepresentations and exaggerations of public orators. He appealed to those Gentlemen on both sides of the House, who were engaged in manufactures, for the correctness of his statement, when he said that the excitement in the country, on this subject, was not of a party colour. All party feeling was merged—their differences were as nothing compared with the question on which the extension of the mercantile prosperity of the country depended. It was absurd to suppose that the distribution of the report of the committee of the House of Commons could all at once change the opinions of the mercantile part of the community, or create a violent desire for measures for which they had previously no wish. He knew perfectly well what statements had been made by the committee, but it was the figures which had produced the greatest effect. [" *hear, hear.*"] The noble Lord (the Member for Liverpool) said " hear." No doubt there were many of their calculations a litttle wild, and some of their statements not a little exaggerated; but did the noble Lord suppose that the merchants were so ignorant as not to be able to judge for themselves of the accuracy of these statements, and to say what part of the report was practicable and what impracticable? This was not a question of mere party. The interest involved in it far outweighed all party considerations. He would only refer to the petition which was presented to the House the other night from the City of London as a proof of this. Had hon. Gentlemen looked at the names attached to that petition? If they had, would they say, were they prepared to say, that the request made by those petitioners was not deserving of the most attentive consideration? The petitioners stated, that they were of opinion that the Customs duties were burdensome and highly detrimental, not only to the general trade of the country, but also to the revenue of the state; that the effect of them was to enhance the price of articles of home production by excluding articles of foreign growth, and thereby laying a heavy tax upon the community. Without contradiction he might say, that in a commercial sense, a more important petition had not been presented to the House of Commons since the time when the present Lord Ashburton presented a petition at the time Mr. Huskisson introduced his great measure of commercial reform. No petition had ever borne the signatures of men of greater wealth, experience and intelligence. The very first name was that of a person standing in the highest rank of British merchants, Mr. Horsley Palmer; and his signature was followed by the names of men forming the great leading firms in this metropolis. This, he conceived, would at once show the House that the views put forth upon the subject of commercial duties were not the mere visionary speculations of men unacquainted with practical affairs, or by a committee of theorists, but that they were the result of experience, and that the strong feelings excited upon the subject arose from an intimate knowledge of the mischievous working of the system of monopoly and restriction, which the existing laws fostered and encouraged. He believed, that there never was a time when the merchants and manufacturers were more united in the conviction that it was necessary to make an alteration in the present system of duties. With regard to the opinions of the manufacturers of the country, he could only say, that he had met at the Board of Trade deputations from Lancashire and various parts of the country, composed of men of every description of politics, and he never saw evinced stronger, more earnest, and intense feelings than they showed of the absolute necessity of the Legislature inquiring into this question, with a view to give relief to the commerce of the country by an alteration of the tariff. He was so convinced of the earnestness of this feeling that prevailed among the great body of the manufacturers of the country, that he should feel he was not discharging his duty if he did not stand up in his place and make this solemn declaration. He hoped that hon. Gentlemen, in making up their minds upon this question, would not leave out of view those topics which had been alluded to by the Chancellor of the Exchequer: he meant the present posture of our Commercial relations with the United States, and the Brazils. It was well known that the United States took a greater quantity of British manufactures than any other foreign country, and that they were the best consumers at this moment of British cotton manufactured goods. It was a fact, also, not to be overlooked, that the United States were in a situation somewhat similar to that of ourselves, and that their expenditure exceeded the amount of their revenue, which would make it desirable they should seek to increase their income by additional taxation; and he really believed that the conduct which this country pursued with respect to the duties on importations, would greatly influence the decisions of Congress on the subject of the American tariff. Our treaty with the Brazils would expire shortly, and he feared that our pursuing our present system would prevent us from receiving any equivalent advantage in return for the articles we took from them. He had no doubt, that if the present position were adhered to, the merchants and manufacturers of this country would have to make up their minds to lose a great market; whereas it was his conviction, that if they pursued a wise and liberal policy, they would be able to establish commercial relations with that country which would be of the greatest benefit to both nations. The right hon. Gentleman opposite had twitted him for the language he had used last year in speaking of the sugar duties, although he had fairly admitted, that nothing which he had then said, precluded him from adopting a different course upon this subject in the present Session. All he could say was, that he had endeavoured to consider the question in all its bearings, colonial, commercial, and manufacturing; and it was his most sincere conviction, that it was the duty of the Government, he would not say to do away with altogether, the protection now afforded to our colonies, in this respect, but to reduce that protection to a moderate and reasonable rate, which should not give to our possessions a monopoly, which was not only most burdensome to the trade of this country, but which he was prepared to contend was not less injurious to the colonies themselves. He believed that a moderate and reasonable protection would be found to be better in the long run than a monopoly, inasmuch as it gave an advantage in the home market, an advantage in price; whereas monopolies encouraged an excess of cultivation, that for a time enjoyed a high price in the home market, and then came a glut, with all the vacillations with which an uncertainty of trade was invariably attended. This, at all events, he knew, that whatever might be the opinions entertained on this subject within the walls of that House, these things out of the walls of the House would not be considered as partaking of a party nature. They would be considered as a great national question, unaffected by party considerations, which unfortunately was the great evil and bane of too many of the most important subjects that came under the consideration of that House. Some hon. Gentlemen seemed to consider that this measure was introduced by Government with reference to some party advantage. He did not know what notions of advantage others might entertain in propounding questions of this description, he doubted whether any political party would ever gain any present advantage, by opposing powerful class interests, for the benefit of the public at large. He could only say that he himself, warm partizan as he was, and attached as he ever had been to the friends with whom he acted, entertained too deep a sense of the importance of this question, and of the consequences of the decision which the House might come to respecting it, to feel anything like a party sentiment upon this occasion; and he could, with the greatest sincerity, lay his hand on his heart, and say, that he should heartily rejoice to see the Gentlemen who occupied now the Opposition Benches take their seats on the Ministerial side of the House, if they would afford him the pleasure and satisfaction of supporting measures of this description, proposed and advocated by themselves.

Mr. *Hodgson Hinde* had observed, that whenever Ministers proposed any great financial measure, it was always subsequent to some great and signal discomfiture. Such was the case with respect to the penny postage question of last year. It was true that many members of the Government had always supported opinions in accordance with the resolutions before the House, but that was not the case with all the Members of the Cabinet. With regard to the subject of the Corn-laws, he only knew that last year the opinion of the noble Lord at the head of the Government was totally at variance with the moderate duty proposed to that House. They all knew it was so last year, and he should like to know whether any Member of the Cabinet would stand up and tell him that it was not so last week? Although the noble Lord thought this to be the most appropriate time for bringing forward the subject, to his (Mr. Hinde's) apprehension, a more unfortunate time could not have been selected. They were now making a great experiment in Canada, and what, he would ask, was likely to be the feeling excited in that country when the news of the present discussion should be read there? It was still more peculiarly unfortunate that the measure should be propounded at the moment when a nobleman was at the head of the government of that colony, whose opinions, before he left this country, were known to be strongly in favour of an alteration in the laws regarding the importation of corn, and who had ever been a most distinguished advocate for a modification of the Corn-laws. He was perfectly sure that the proposition would be received with anything but favour by the shipowners. It was precisely the same proposition that was brought forward by

Lord Althorp in 1830, and which at that time was received so unfavourably.

Mr. *Herries* said, that notwithstanding what had fallen from the noble Lord, the Member for Northumberland, he should not, on the present occasion, enter into the consideration of the general principles of commercial policy alluded to by him, but confine himself strictly to the question of the budget. There were two propositions made in that budget which in some measure involved that consideration, but they were introduced on their special merits; and in dealing with these even he should adhere to the rule which had been laid down by those who had preceded him on that side of the House, of not entering into a detailed consideration of these two subjects, but leave the discussion of them to a future occasion, when they should be brought before the committee, in the shape of resolutions, and the subsequent stages of their progress. From what he had said, the committee would gather that he was not at present prepared to offer any decided opposition to them, but reserved to himself the full right on a future occasion. As to the third proposition, as it had just been described by the President of the Board of Trade, it did not form an essential part of the budget. But it seemed thus far an essential part of it, that it was relied upon as the means of raising the money. He would only express his hope with respect to that question that this House would not so far forget its duty to the country, nor so far forget the confidence which the country reposed in it, as to allow a Minister of the Crown five weeks, or perhaps ten weeks, hence to propose an alteration in the Corn-laws as a means of raising a revenue, and until that five weeks elapsed allow itself to remain in ignorance as to what alteration was to be proposed. As he understood what a budget ought to be, the Chancellor of the Exchequer should declare to the House what the expenditure of the current year was to be, and what the ways and means. Now, on this point, that House was at present totally uninformed. The Chancellor of the Exchequer, after stating some parts of the revenue and expenditure as likely to contract or expand as he saw fit, concluded by anticipating a deficiency of 2,400,000*l.* To provide for that he anticipated from timber and sugar 1,300,000*l.*, from corn he expected to derive 400,000*l.*, making 1,700,000*l.*; and there he stopped. But what, he should like to know here, became of the remaining 700,000*l.*? On that subject the Chancellor of the Exchequer did not tell them one word. It used to be customary on these occasions to balance the ways and means with the expenditure, and that was the object of the budget; and, had that practice been adhered to, perhaps the Chancellor of the Exchequer would have thought it worth while to tell them how he supplied that deficiency. He trusted, and he wished particularly to call the attention of the committee to the point, that the Chancellor of the Exchequer did not intend to supply it by recurring to what he must call the most unconstitutional course of reverting to the savings' banks for the purpose. Against such a course he must protest as unconstitutional. Neither his right hon. Friend (whom he did not see at that moment) who brought in the Savings' Banks Bill, nor himself, ever contemplated in the framing of that act the application of those funds for any such purpose. He did not now bring this forward as a matter of blame, but as matter of inquiry. If he understood the Chancellor of the Exchequer right he had supplied the deficiency of the last four years partly by funding Exchequer bills, partly by the diminution of the balances; but there was still left a portion unaccounted for; and, if he understood right, the right hon. Gentleman had found means to meet that deficiency through the savings' banks, not by adding to the funded debt. Now, he said, that was not acting within the spirit and meaning of that act. It never was intended by that act to grant to any Minister so unconstitutional a power as that of allowing him to provide for any unexpected surplus of expenditure, not by applying to Parliament, but by increasing the funded debt of the country, and availing himself of the funds of the savings' banks. To that point he wished to draw the attention of the committee; and he asked the Chancellor of the Exchequer, first, how he meant to provide in the present year for the 2,400,000*l.* which he wanted? and next, whether he intended to supply that deficiency by having recourse to funding, through the savings' banks—an act which, perhaps, technically speaking, he might legally, but not constitutionally, resort to. If the answer were in the affirmative, then, if the hon. Member for Kilkenny, did not persist in an inquiry into the subject, as he had already stated, he should. Though he would not enter into the general question as to the two first propositions respecting timber and sugar, yet, after what he had heard from the President of the Board of Trade, he thought, he went very nearly with him. As he understood that Gentleman, his object was not to bring forward any sweeping or general measure of alteration in our commercial code. He did not embrace the views of the import duties committee—he did not say, there should be no protection; but he had endeavoured to arrive—whether he had or not was a question for future discussion—at that point which afforded the requisite degree of protection, consulting at the same time the interests of the consumer. And he could assure the right hon. Gentleman that when he brought forward single cases in this way, as any demand for relief might arise, and founded on such principles, he would find no one more willing to give such propositions a fair and impartial consideration than himself.

The *Chancellor of the Exchequer* could not remain silent, after the personal reference made to him by the right hon. Gentleman who had just sat down. He could assure the House that he did not wish any hon. Member to give a definitive opinion upon matters of detail which must hereafter be carefully examined, and he thought, therefore, that the right hon. Gentleman had taken exactly the proper line. All he had understood him to say was, that he was not so hostile to the proposed change as to object to consider its expediency. He (the Chancellor of the Exchequer) cared little whether the statement he had made earlier in the evening were or were not termed a budget. Right hon. Gentlemen on the other side might indulge their ingenuity and invention in finding a new name for it, the name was of little importance, but the real practical question arising out of it was, whether the House would raise the admitted deficiency by additional taxation, or by the means he had suggested? He was gratified to find that the individual who had more practical experience than any other Member, was not prepared to say, that he (the Chancellor of the Exchequer) was wrong. It was somewhat extraordinary that the right hon. Member for Tamworth had not dropped one word on the principle of the budget—an old Chancellor of the Exchequer. [Sir *R. Peel*: for a very short time.] True, and that probably was the reason why he had complained that the budget of this year had no figures in it. A little longer practice in his office would have made him aware that nothing could be more easy than to exhibit an array of figures, derived from statistical statements; but few figures were necessary for any practical purpose, while a multiplication of them only tended to entangle and confuse a subject. He took it, therefore, as no ill compliment when it was said that his budget was deficient in figures; but while the right hon. Baronet made that complaint, he gave no opinion as to the mode in which the deficiency, so long the subject of complaint and alarm, was proposed to be supplied. Thus, two right hon. Gentlemen, each of whom had been Chancellor of the Exchequer, had cautiously avoided saying one word upon the great principles by which the finances of the country were to be regulated. So silent had they been on the point, that it might almost have been supposed that they had been shut up together, in the enjoyment only of the society of each other, for the last three or four months, without the slightest knowledge of what in that interval had been going on in the commercial world, and now heard for the first time of the imports committee and amendment of the tariff. The right hon. Gentleman said, that the budget had not made the national income and expenditure balance, and that something had been omitted. That was very possible, though he (the Chancellor of the Exchequer) thought that he had given the House information upon the point in question. Perhaps he had not stated the deficit was to be made good by an issue of Exchequer bills, but he did not suppose that there could be any doubt about it. [Mr. *Herries*. To what amount?] A covering amount, but it was not usual to state precisely what that amount would be. The mode in which he intended to proceed was nothing new on his part; and he admitted, with the hon. Member for Kilkenny, that there was a way of funding Exchequer bills, and thereby increasing the debt, without the necessity of resort to Parliament. That way had been taken several times, and had been made a matter of discussion, but it had never been prohibited. He admitted at once that this was a power it would be better for a Minister not to possess and not to employ. It was objectionable for various reasons, and among those reasons was this, that it produced laxity in the management of the finances of the country. But as long as that power was given, so long would he employ it. He would not shrink from the responsibility of doing that which circumstances rendered convenient and expedient. But if they asked him the constitutional question, he was ready to state the opinion he had always entertained, that the power of adding to the debt through the Savings' Banks Act was not a power which a Minister of the Crown ought to be allowed to exercise. He was asked how he had arrived at the conclusion that he should gain 700,000*l.* upon sugar. In 1825 the total amount of sugar retained for home consumption was 3,079,848 cwt., and the average price was 38*s.* 6*d.* In 1826 it had increased to 3,573,990 cwt., and the average price had fallen to 30*s.* 7*d.* In 1836 the quantity retained for home-consumption was 3,488,399 cwt , and the average price had risen to 40*s.* 10*d.*; and in 1837 it advanced to 3,954,810 cwt., with an average price of 34*s.* 7*d.* Thus the consumption had increased as the price had diminished; now, by the scale of duty he proposed, he secured a price considerably below the average of last year, and calculating for the future year, upon an increased consumption in proportion to the diminution of the price, it would be found that he was fully warranted in calculating upon obtaining 700,000*l.* from this source. This point he hoped he had satisfactorily established.

Mr. *W. E. Gladstone* said, that nothing was further from his intention than to press the right hon. Gentleman to give an immediate answer to the questions he had put; indeed, he hoped the right hon. Gentleman would take time to consider them, because he would be able to give a much more definite and full reply. The right hon. Gentleman had referred to the information he had received from parties well conversant with the sugar trade as to the probable effect of his alterations, and he had asked two questions. The first was, what the right hon. Gentleman had calculated as the supply to be obtained from the East Indies, the West Indies, and the Mauritius? and the second was, what he calculated would be the consumption of the United Kingdom? The answer which the right hon. Gentleman had given related almost exclusively to the latter question, and unless he felt any difficulty it would be satisfactory if the right hon. Gentleman would, on a future day, give a reply to the first question, and also answer more fully the second.

Mr. *Villiers* was only prompted to address the House from the circumstance of his having so frequently professed the principles and proposed the measure which that night were recommended to the House on the authority of Government; he was anxious indeed to express his opinion on the measure, for he had really been condoled with by different Members for his occupation being gone, or for having abandoned his office to the Government, but he should honestly feel satisfied if those Members were right, for most sincerely could he say that he never had any personal object in his advocacay of that measure; and should the Government fulfil their intentions announced that evening, and indeed propose what would meet the wants and wishes of the country, he certainly would offer them no opposition, but, on the contrary, as an humble individual, would give them his best support. He thought it, however, important to state what had satisfied him in the speeches of the Chancellor of the Exchequer and of his noble Friend the Secretary of the Colonies, that the budget did lay claim to the support of the country, and it was this—that they seemed to recognise two very important principles, one with regard to revenue, and the other with regard to commerce. The first principle was, that the revenue of this country must depend upon the condition of the consumers; and the second was, that the condition of the people or consumers now depended upon freedom of commerce. Now, these were sound principles, and although now somewhat newly recognised by a Government of this country, yet he trusted they would soon be embodied in our legislation. The principle with regard to revenue was upon the present occasion the most important. It had reference to the sources of our revenue which were derived, not from property or income, but expenditure or consumption, and thus depended upon the ability of the people to consume the articles that were taxed. If taxes were chiefly collected from property or income, then, perhaps, if more taxes were required, property or income might be further taxed with effect; it was clear, however, that when the taxes were placed upon general consumption, as they were in this country, they could not tax the articles consumed without diminishing the power of the consumer, and thereby reducing the revenue collected from consumption. The great object, therefore, with the view to increase the revenue, in case of indirect taxation, was to improve the condition of the consumer. If there was doubt as to the bearing of the taxes which were levied in this country, let it be remembered that 77 per cent. of the revenue was collected from customs and excise, and chiefly levied upon articles which are almost necessarily consumed by the community at large; and if it were questioned how this worked, with regard to revenue let hon. Members refer to years when articles of necessary consumption were dear. The illustration of this principle was to be seen most complete by referring to the price of food during the last ten years, and to the tax imposed by the Chancellor of the Exchequer during the last year. In the first place it would be seen that during the years 1834, 1835, and 1836, when there was what was called agricultural distress, which usually meant cheap food, the revenue was flourishing, and each year there was a greater surplus; but in the years 1838, 1839, and 1840, when food was dear (if the duty on corn was deducted, which produced 1,200,000*l.*), but which was never relied upon, it would be seen that the revenue was declining. When hon. Members opposite condemned the Government for not imposing taxes to meet the deficiency, or blamed them for taking off any tax, they should remember that the reason the revenue declined was the high price of food occasioned by the protective duty on corn, which they all supported. This showed the great importance of the noble Lord's notice as a financial scheme, for, by reducing the price of corn, the power of consuming other articles would be increased; but perhaps the inutility of imposing a fresh tax when the revenue was declining from the inability of the people to consume, was never better shown than by the result of the duty of five per cent. laid on last year. The people were suffering from want of employment and dear food, they were unable to consume taxed articles. What did the 5 per cent. additional tax do? Why, only further increase their difficulty to consume, and the result on the revenue precisely tallied with that view; for they found that though the amount of the tax was 2,330,000*l.*, all that was really got by it was about 530,000*l.*, of which above 400,000*l.* was obtained from the assessed taxes, the remainder only being derived from the Customs and Excise, and the additional 4 per cent. on spirits; and if 10 per cent. were put on again this year, the same failure would be apparent from the same cause. Why, how could it be otherwise? The taxes were collected from articles which the people generally consumed; but if one article necessary to life becomes scarce and dear, a great sacrifice was required to obtain it, and it was quite clear they must forego other articles, and the revenue must suffer immediately if it depended upon the consumption of them. This, then, was a most important principle to have recognised, and it was satisfactory to think that, inasmuch as what were called protective duties tended to increase the difficulty of consumption by artificially enhancing the cost, so by reducing these protective duties it was always possible to stimulate consumption, improve the revenue, and maintain the credit of the country no less than the comforts of the people. He was astonished to hear Members opposite ask what connection there was between the Corn-laws and the Budget. Why, how would it have been consistent in the noble Lord to have expected income from increased comsumption, if he had not so far improved the means of the people as to take steps to lower the price of food. Most assuredly, if bread and food were cheaper, men would have more to spend on other things. If there were one proposition more valuable than another established by the evidence on the import duty committee, it was that of protection being a tax as burdensome to the consumer as any tax to the state; and not only was it true what Mr. J. Hume had said, that the protective tax on food was more than all the taxes put together paid to the state; but this was also true, that it was a tax that must be paid before the taxes to the state; for men must live, and when their living was very dear, there was less left for the state to tax. He had heard this import duty committee called one-sided and partial, and all that sort of thing; but, instead of abuse, why did not hon. Gentlemen opposite controvert the facts stated on it? Why did they not prove that protection was not a tax, and protection to the landowners not the most grievous of all taxes? Why did they not cross-examine Mr. Hume, and test his credit by their own information. [An *hon. Member*. They did]. The hon. Member said, that the Member for Whitby did cross-examine the witness; if then that was the fact, and the public would judge whether the credit or testimony of the witness was shaken. The book was before them; was it not singular that they had heard of no criticism—no refutation of its statement—no argument against them—and nothing but abuse of it. He agreed with the President of the Board of Trade, that the merchants, manufacturers, and trading interest were not so silly as to take all for gospel that they saw in a blue book, and go half wild about evidence affecting their interests, simply because it was published by authority of a committee, and not because it was true. He could not believe that the merchants who had signed the City petition would have said, in their last resolution, that "their opinions had been confirmed and strengthened by the valuable and important information collected by that committee," if they had not known the facts contained in it to be true. He certainly believed every word that the witnesses had stated; he did not know whether the Chancellor of the Exchequer had read the evidence or not, yet he (Mr. Villiers) was well pleased at observing the conformity of the principles of his financial arrangements with those that were illustrated by that evidence; and it was because he thought he rested the revenue upon this solid ground when he sought to improve it by bettering the condition of the consumers, and because he thought that the noble Lord had also in view, by his measure for the mitigation of the Corn-laws, the further improvement of the condition of the people, that he was disposed to join with others in expressing hope and satisfaction from the notice of the noble Lord, and the financial scheme they had propounded to the House that night.

Mr. *A. Chapman* had not complained of the publication of the evidence, but that the Session had passed before the hon. Member for Harwich and himself had called a single witness to rebut the evidence, and that the Committee had not been re-appointed. Although the evidence was thus incomplete, the Chairman of the Committee had sent him 4,000 copies of the *Spectator* containing what he admitted was a fair abridgement of the evidence given.

Mr. *Hume* begged to say, that although he knew and was delighted to find that 30,000 copies of the abridgment alluded to had been distributed, he had nothing to do with that distribution.

Mr. *Pusey* alluded to the silence that had prevailed on that (the Ministerial) side of the House with respect to the proposed change in the Corn-laws, and observed that he thought the present the best protection which could be given to the agriculturists, that it did not work harshly upon the manufacturers, and that there never was a time when the agriculturists had made such exertions to deserve the protection they enjoyed. He would not, at that inconvenient time, enter more fully into the question; but he must observe, that it was a matter of extreme inconvenience that they were not in possession of the exact terms in which the Government meant to propose their resolution. The time for sowing was not yet over, and many farmers might be influenced in the quantity of corn they would sow by the nature of the Government proposal and there were many farms to be let. Although, therefore, it might be inconvenient to take a discussion before the time announced by the noble Lord, yet he hoped that he would relieve the anxiety of the agriculturists, by stating the exact terms of his intended motion.

Mr. Alderman *Thompson*, while admitting the ability and ingenuity of the statement of the hon. Member for Wolverhampton, respecting the principle on which, as he conceived, the financial affairs of the country ought to be conducted, altogether denied the position that by cheapness of food, *pro tanto*, the consumer was benefitted. As to the timber duties, it should be recollected that this trade employed 35,000 tons of shipping, and a large body of seamen, the whole of which branch of industry would be thrown out of work were the timber trade interfered with in the manner proposed. With reference to the petition from the city of London, which had been so dwelt upon, he felt quite assured that the Gentlemen who signed it did not contemplate the extensive alterations in the colonial trade set forth by the right hon. Gentleman. And to show that this petition did not represent the entire body of the merchants of London he might state that he had in his pocket a petition from the city of London, signed by every merchant engaged in the North American trade, against a bill of the right hon. Gentleman opposite, entitled "A bill for regulating the trade with the British possessions abroad."

Mr. *Labouchere* said, it was due to the

Gentlemen who signed the petition referred to, to rescue them from the misrepresentation of their sentiments made by the hon. Gentleman. It was quite true that they did not ask for the absolute and complete abolition of all protecting duties on colonial produce, but this they did say, "your petitioners are of opinion that the present Customs' duties and prohibitions, are detrimental both to the general trade of the country, and to the revenue. They have the effect of greatly increasing the price to the British consumer of many articles of first necessity, and of totally excluding others of foreign growth; thus giving more than a fair and reasonable protection to particular interests, and laying an unfair tax on the community. We are of opinion that by a revision of the Customs' duties the revenue would be increased, the trade and manufactures of the United Kingdom promoted, and the merchant shipping extended." The petitioners further stated, that their opinion was "strengthened by the satisfactory evidence, facts and statements produced before the Select Committee on import duties, aud by the report of the said Committee." Since the petition presented by Lord Ashburton, previous to Mr. Huskisson's great alterations, such a petition as this from the merchants of London had not been presented to the House. The question was, whether they should not listen to the general voice of the trade and commerce of the country, rather than to that of particular interests, acting always with due consideration and moderation.

Mr. Alderman *Thompson* explained, that what he said was simply this—that at the time that petition was signed by the merchants they could not have had in contemplation the great and important measures affecting our colonial interests which were now proposed. He thought the President of the Board of Trade attached more importance to that petition with regard to the immediate measures before the House than it deserved. The right hon. Gentleman had referred to the signatures of Robinson and Co., but he had a petition which was signed by Mr. Robinson, in which was an allegation that nothing could be more wise or beneficial than the existing regulations of our colonial trade. [Mr. *Hawes.* What's the prayer?] The prayer was, that the 4th clause of the Import Duties bill restricting the protection on British manufactures should be struck out.

Sir *J. R. Reid* said, that he lamented deeply the deficiency of 1,800,000*l.* which had been announced by the Chancellor of the Exchequer; but he could not yet discover why the West-India interest was to be sacrificed for the purpose of making it up. He did not hesitate to state, that some parties deeply interested in the West-India trade, had declared to him that, in the event of the proposed measure passing—he alluded to the reduction of the duty on foreign sugar—the result must be the total and complete ruin of the West-India interest. He still flattered himself with the hope that, considering the importance of these interests, the Government might be induced to reconsider their proposal.

Mr. *Hawes* said, that it was no doubt true that all the merchants of London had not signed the petition which had been presented on the Import duties; probably the West-India and East-India merchants had not; but with the exception of these classes that petition did mark in a remarkable manner the opinion of the merchants generally on the import duties. He had documents which would show the conviction of many of them that a revision of the import duties was essential; he would not enter upon details then, but he had derived the greatest possible satisfaction from the statement of the Chancellor of the Exchequer.

Viscount *Sandon* wished to bear his testimony to the fact that the petition presented in support of the general bearing of the Import duties committee was not to be taken as evidence of a general opinion in favour of the scheme of the Government. With regard to the petition which had been presented from Liverpool, he knew that at the meeting which took place before that petition was presented it had been distinctly understood that the Corn-laws were not to be touched upon; that was one point; besides which, one of the leading persons at that meeting, the proposer of one of the resolutions, was a great West-India merchant and importer of West-India sugar, and he protested strongly against the equalization of the duties. No doubt a general approbation had been given of the abstract principles of free trade—many merchants would come forward, and express their approval of the abstract principles—yet, when it was attempted to apply them to their own trade and interest, they would strongly oppose such a step. He did not admire the magnanimity of those who, not requiring protection for their own interests, would deprive others of it.

Mr. *C. Wood* said, his right hon. Friend had very clearly explained the apparent contradiction between the general petition, referring to general principles, and the petition having reference to a particular interest. It reminded him of the Grecian army, in which everybody put himself first, and all concurred in putting the commander second; and in this matter, there was a general approval of the principles of free trade, but everybody was anxious to preserve a little protection for himself. The worthy Alderman himself desired some protection for the shipping interest; the right hon. Baronet opposite for the sugar trade; and his hon. Friend opposite required that the Corn-laws should not be touched; and then, whilst all these protections were preserved, no relaxation could take place. The noble Lord had said, that the question of the Corn-laws had been expressly excluded from the Liverpool petition; but the hon. Member for Wigan had that night, he believed, presented a petition from Liverpool against the Corn-laws, signed by 53,000 persons. [Viscount *Sandon*. That was for a total abolition.] Very well; but it at all events proved that though the Corn-laws had not been specially mentioned, they excited no inconsiderable interest in Liverpool. He could bear testimony to the fact stated by the President of the Board of Trade, that the universal feeling in the manufacturing districts as to the import duties, did not arise from agitation, and was not the result of party feeling. He had presented a petition from Halifax, signed by men of all parties, who had on this subject for the first time united to obtain a general revision of the import duties. He never recollected the trade of that district in such a state as it was in now; and they looked to the alteration of those duties to enable them to contribute their share to the revenues of the country. As a landed proprietor himself, deriving every shilling that he possessed from land, he should be ashamed of himself if, whilst he was calling upon other interests to surrender their protection, he was not ready to give up that of which he had long had the benefit. That was a feeling which would be found to extend widely amongst the landed proprietors, who, though they had strenuously contended for that protection whilst it was proposed to deal with that alone, would not object to give up the benefit of it when other interests were dealt with in the same manner. He looked to improvement in agriculture as a great means, by which, in a few years, the farmers would be able to produce corn at a much cheaper rate than at present. But this was not only a question of relieving trade from restrictions and burdens; it was a question whether they should impose additional burdens on the country, or try by means of a revision of existing duties to relieve the country from the burden under which she was suffering. How could they further tax the country? He knew not where they were to turn for a new tax. It was impossible for them to impose new burdens until they had tried this experiment of revision, and it had been found to fail. That it would fail he could not believe; but he was sure that no tax could be imposed until it had been tried.

Lord *John Russell* wished to say one word in answer to what had fallen from the right hon. Baronet, the Member for Tamworth, in reference to the length of time which would elapse before he proposed to bring forward the question of Corn-laws. Like the right hon. Gentleman, he had been looking in Hansard for a precedent and found one. On the 13th December, 1826, Mr. Secretary Peel moved the adjournment of the House to the 8th of February following, and stated that, "At their next meeting it was intended to lose no time in bringing forward the most important public business of the nation. Indeed, so fixed was this determination on the part of his Majesty's Government, that his right hon. Friend had empowered him to give notice, that on the Monday following the 8th of February he intended to submit to the House a motion which would specifically introduce the great question of the Corn-laws." Of course, the country was left in a state of agitation for nearly two months on the important question of Corn-laws. With respect to what had fallen from the hon. Member for Berkshire (Mr. Pusey), he begged to state, that he should endeavour, in the course of next week, to state specifically, when his right hon. Friend brought forward the question of the sugar duties, the nature of the motion he intended to make.

Mr. *Pusey* said, it would be a great convenience to the House to have such a statement.

Mr. *W. Attwood* said, much weight had been attached to the petition read by the President of the Board of Trade; but by what process of reasoning had the right hon. Gentleman been led to attach so much weight to the views of those merchants who were interested in the removal of the duties, whilst he attached none to the views of those who were interested in their maintenance? The President of the Board of Trade saw very clearly the interest which the colonial merchants, the shipowners, and the landholders had, and he considered it to diminish the value of their opinion; but when he saw merchants whose interest it was that the duties should be taken off, applying to have them taken off, he thought their opinions entitled to the greatest respect. For his part he considered the opinions of the one class as much deserving attention as those of the other. He would remind the President of the Board of Trade that before the present time, measures of free trade had been adopted, and the greatest prosperity prophesied as the result, and yet it was now acknowledged that the greatest distress prevailed.

Mr. *Brotherton* said, the principles of free trade had been a good deal talked about, but not acted upon.

Mr. *Thornely* said, in reference to what had fallen from the noble Lord opposite (Lord Sandon) about the Liverpool petition that one of its allegations was, that duties levied on the necessaries of life were highly detrimental to the great interests of the country. There could hardly be a plainer reference to the Corn-laws. The meeting in question was composed of the most respectable gentlemen in Liverpool. It was called by the mayor, and each resolution, he believed, was moved by a Liberal and seconded by a Conservative.

Mr. *James* thought the reduction of duty on foreign sugar would be a bounty on slavery and the slave trade. If they reduced the duty on East and West India sugar from 24*s*. to 12*s*. the consumption would be so great that it would not be necessary to admit foreign slave sugar.

In answer to Mr. Herries,

The *Chancellor of the Exchequer* said, he intended to bring forward his proposition on Friday next.

Resolution agreed to.

House resumed.—Adjourned.

HOUSE OF LORDS,

Monday, May 3, 1841.

MINUTES.] Bills. Read a first time:—Frivolous Suits.

Petitions presented. By Lord Denman, and the Duke of Sutherland, from Kendal, Birmingham, and Dentown, for the Jews Declaration Bill.—By the Bishops of London, and Winchester, from Brentwood, and Walton-on-Thames, against the Encouragement of Idolatry in India. —By Lord Denman, from Wigmore-street, for the Abolition of the Tolls on the Bridges.

THE CORN-LAWS.] The Duke of *Buckingham* presented petitions, in all 120, from Newport Pagnell, Ditchley, Great Marlow, Great and Little Hillingdon, and a large number of other places in the counties of Buckingham, Oxford, Suffolk, Northampton, Derby, Southampton, and Sussex, against any alteration of the Corn-laws. He thought it right to state, that those petitions were signed by farmers, tradesmen, clergymen, and labourers. They were signed previously to the announcement relative to the Corn-laws that had been recently made in another place; but that announcement had induced the petitioners immediately to communicate with him, and request him to call their Lordships' attention to their feelings on this subject. They expressed their astonishment at the announcement to which he had alluded; and the deep regret which they experienced in finding that the noble Viscount opposite had united with his colleagues in taking a course, by attempting to alter the Corn-laws, that would hazard and endanger everything that was dear and valuable to this country. The petitioners expressed their anxious desire to come before their Lordships, not asking for a monopoly under any circumstances, but simply praying that they might not be deprived of that protection which all classes of her Majesty's subjects had a right to enjoy; and they declared their determination to resist, by every means in their power, the withdrawal of that protection, which they now possessed in common with other classes of the community. So far as he was concerned, he had heard with regret and astonishment what had occurred in another place; but he hoped, that that declaration would be met by the

Commons of England, and by their Lordships in such a way as would at once dispel the fears of the agricultural interest, and would enable them to pass the rest of their lives in the peaceful enjoyment of their own property, and to give employment to the labouring classes, who, if those laws were repealed, would be deprived of the means of subsistence. Had the noble Viscount reflected on, and considered well, what would, and what must be, the result of such a measure as that which it was the intention of his noble colleagues to bring forward? When he heard the noble Viscount last year express his opinion so strongly on this question, he certainly was not prepared to find the noble Viscount ready to support such a course as Government was now about to adopt. When he adverted to what the noble Viscount had stated on that occasion, he must say, that after the avowal of such sentiments, he did not expect that the noble Viscount would give his support to such a measure as was now contemplated; he did not think that the Government of this day would be ready and prepared to come forward with a proposition for the repeal of the Corn-laws. In referring to the opinion of the noble Viscount, he would not trust to his own memory, but would quote from a report of his speech, which he believed to be perfectly correct. On the occasion to which he alluded, the noble Viscount had expressed himself in these terms:—

> "His noble Friend had carefully abstained from stating what it was that he meant to do; whether his object was to have a fixed duty, or a diminution of the present ascending and descending scale; but whichever of these alternatives was his noble Friend's plan, as he saw clearly and distinctly, that that object would not be carried without a most violent struggle; without causing much ill-blood, and a deep sense of grievance; without stirring society to its foundations; and leaving behind every sort of bitterness and animosity; he did not think that the advantages to be gained by the change were worth the evils of the struggle, by which their Lordships might depend on it the change could alone be effected. They had seen great changes at no distant period—changes which had stirred society from the bottom, which had excited man against man—divided the whole country into parties and left behind the deepest feelings of discord and enmity. He, for one, was not for adding to those feelings, by rashly adventuring to stir and agitate them; and upon those general grounds he felt himself justified in saying 'No' to the motion to the noble Earl."*

It was to prevent that struggle in the country, to which the noble Viscount had adverted so feelingly, that he (the Duke of Buckingham) now called upon their Lordships to support the existing laws. He hoped that they would never see that struggle; but so surely as the noble Viscount and his colleagues should take the step that had been mentioned, so surely would this country be plunged into a state of irremediable confusion; and the consequence, however unfortunate, must rest on the noble Viscount and his colleagues.

Viscount *Melbourne* said, as the noble Duke, in presenting petitions relative to the Corn-laws, had so pointedly alluded to the part which he had taken when that subject was discussed on a former occasion, he thought that it was necessary for him to say a few words in reply. Unquestionably, he had expressed strong opinions and sentiments on this subject at different times, because he felt and knew that there were many reasons and grounds which rendered any agitation of the question of the Corn-laws liable to very great objection. But, at the same time, it must be recollected by the House, that upon every occasion on which he had addressed their Lordships on this subject, he had always said, that his opposition to the reconsideration of the Corn-laws, with a view to their alteration, was based upon particular and temporary grounds; and, with repect to the measure itself, he had carefully reserved his opinion. Upon no occasion had he ever pledged himself to support the law as it at present stood, because he saw that the time must come, when it would be necessary for their Lordships to take this question into their serious consideration, for the purpose of placing the law on another basis. The noble Duke had quoted some expressions used by him, with reference to this subject, on a former occasion. No doubt many similar expressions might be found in addresses which it had been his duty to make to their Lordships; and to the arguments which he had on those occasions introduced, he did not, at the present moment, deny a great portion of force and strength. But, when he delivered his sentiments to that House, on the question which was then before it, and to which the noble Duke had referred, he had expressly said,

---

* Hansard, vol. liv. p. 1042.

> "My noble Friend has put his motion in such a way, as to present very little difficulty to me—namely, that it is expedient to reconsider the laws relating to the importation of foreign corn.' Now, I am distinctly of opinion that it is inexpedient. At the same time I do not mean to pledge myself to the continuance of the existing laws, or in any respect bind myself to the maintenance of the present amount of duties. This is a question of circumstance; because circumstances connected with the state of the country, considerations of various kinds, of economy or of policy, may arise, which would not only justify, but would render it necessary to pursue, a different course. But, under the present circumstances I do not think that it would be wise or prudent for Parliament to enter upon the reconsideration of these laws."

Now, he conceived that it was impossible for him to have used any words that could have more clearly or distinctly shown that in his opinion a time might come, and circumstances might arise, when this question, with all its difficulties, inconveniences, and disadvantages, must be taken into consideration. Those circumstances had arisen, that time, in his opinion, had now come, when it was found necessary, in order to meet the exigencies of the country, to adopt wide and extensive financial measures—measures which affected every other interest in the country—when, he owned, it appeared impossible to him to leave that, the master grievance (so the noble Viscount was understood to say), untouched. Under such circumstances—under such necessities, and in such a crisis, he had agreed to take that course which the noble Duke complained of, still holding the opinion which he formerly held, which was grounded on temporary circumstances, as to the time when it might be proper to bring forward this question. That opinion was entirely based and grounded on particular and temporary circumstances, and not on the real meaning and bearing of the measure itself.

The Earl of Ripon said, he had heard, with very great surprise, and with very deep regret, the speech of his noble Friend, not only on account of the great interests concerned, but on account of the character of his noble Friend himself; because if he could not produce, when their Lordships came to discuss this question, more plain, more intelligible, more satisfactory grounds, for the change of opinion which he had avowed, he knew not what the country might think of his noble Friend, but this he knew, that his noble Friend would not be able to carry on the government of the country. He was anxious to ask a question of his noble Friend. In his opinion their Lordships had a right to know on what principle the Government meant to act? Was the proposed alteration to be founded on the principle of protection—or was it to be a measure of taxation? If it were to be a measure founded on the principle of protection, then vanished into air all the arguments used by the Anti-corn law league—then vanished the grounds on which the passions of the multitude had been appealed to. Then would Government establish, by their own act, that very principle of protection, which those who supported the Anti-corn league objected to. The Corn-law was a measure of protection; and those who supported it did so on the grounds of humanity, and of consideration for the wants and comforts of the poor; and if Government abandoned that high and generous principle,—if, instead of it, they adopted the principle of taxing corn for the production of revenue, they would do that of which, he believed, no country in the world had ever before afforded an example. Such a proceeding would be the most unpopular, the most cruel, and the most unjustifiable, that was ever forced upon a reluctant legislature.

Viscount *Melbourne:* Most unquestionably the measure will proceed on the principle of protection.

The Earl of *Winchilsea* said, that from what he had heard, he was convinced that the measure contemplated would not be one of protection, but would be framed to increase the revenues of the country. He considered it to be a measure of taxation, and he for one, as belonging to the landed interest, would give it every opposition in his power. For his own part, he would agree to any tax rather than to a tax on the most essential article for food of the working classes. He would lose no opportunity of stating his opinion on the subject, and he hoped that the whole country would rise as one man against such a tax, against a tax on bread. Why should he attempt to do away with a system which was intended as far as possible to render this country independent of other states for its supply of corn, and which at the same time enabled them to supply the labouring classes with bread as cheap as it could be grown? It was a principle established in all ages, and would be held as a correct one so long as the world existed, that no country could be independent that was unable to supply itself with bread. On that ground he had supported the Corn-laws, and if they attempted to abandon those laws now, for the purpose of inflicting a heavy tax on the labouring classes, let them, he would say, in God's name resist the attempt as one man, and resist it to the uttermost. Let them rise in that House and do their duty to the labouring classes; let them tax the higher orders, if it must be so; but in God's name let them forbear from placing a tax upon bread, which formed the chief subsistence of the poorer classes. A popular cry of cheap bread had been raised throughout the country. Ministers, knowing that their foreign, domestic, commercial and financial policy were generally condemned, were now endeavouring to bolster up their popularity by this plan, the most wicked that ever the Government of a great country ever proposed. They hoped by taking this course that the "cheap bread" cry would be of use to them in case of a dissolution of Parliament, but the people had too much sense to be deluded by that cry; for they know that cheap bread was synonymous with low wages. When the loaf was at 4*d.*, and meat 2½*d.* and 3*d.* per pound, what did the people say? They said, "What is this cheap bread to us when our wages are so wretchedly low that we have no money to purchase it?" By this attempt, by taking away the protection from the produce of the newly emancipated West-Indian Colonies, and giving encouragement to foreign sugar, Ministers had rendered themselves more odious than ever, and had hurried on their own downfall.

Petitions laid on the Table.

THE SCOTCH CHURCH.] Lord *Dunfermline* had been requested to present a petition from the seven suspended Ministers of the Presbytery of Strathbogie, praying their Lordships "to apply such a remedy as in their wisdom the present emergency seemed to require;" and in rising pursuant to notice to do so he felt bound to lay before the House a brief statement of the facts of this case, the conduct which they had pursued, the manner in which they had been treated, and subsequently the persecutions to which they had been exposed. It would be familiar to most of their Lordships that in 1834 the General Assembly of the Church of Scotland passed a measure which has since been known by the name of the Veto Act, and by which the right —the absolute, unrestricted, unrestrained right—of dissent was given to the male heads of families in communion with the Church in the appointment of a minister to a vacant parish. They would also be well aware that Mr. Edwards had been presented to the parish of Marnoch, in the presbytery of Strathbogie, to whose appointment these parishioners had objected; and that the Presbytery, acting in the first instance in obedience to the Veto law, and the wishes of the General Assembly had refused to take Mr. Edwards upon his trials. Mr. Edwards obtained a judgment against the petitioners who had rejected him, directing the presbytery, after trial and examination, to admit Mr. Edwards, if found qualified, as presentee to the church and parish of Marnoch. In consequence of this decree, Mr. Edwards called upon the Presbytery to perform the statutory duty, which it had been found was incumbent upon the members of Presbyteries of the Established Church, in terms of statutes of the realm. The petitioners held themseles bound, as ministers and members of Presbytery, to obey that decree of the Supreme Court; and they conscientiously believed, that all members and all ministers of the Established Church must perform the obligation imposed upon church courts by statute. Having intimated their intention to obey this decree, the Commission of the General Assembly, upon the 11th of December last, proceeded to suspend them from the office of the holy ministry, and from the exercise of any of their functions as members of Presbytery, expressly on the ground that such intention to give effect to the decree of the Supreme Civil Court was contumacy against the authority of the Established Church, and must be treated and punished as such by the ecclesiastical courts. The petitioners hoped that they would not be exposed to consequences and to punishments so severe and deplorable, because they were willing to obey the law.

If they thought that their vows of obedience to the Established Church, and their duty as ministers and members of the same, were inconsistent with their duty as subjects, they would at once withdraw from the church of their fathers; for, as ministers of the gospel, they could not place themselves in rebellion against the law, and they could not understand how obedience to a judgment of the House of Lords and of the supreme tribunals of the country could be inconsistent with their duty as members of the church established by law, or contumacy against a church whose authority in regard to the settlement of ministers in the parishes of the establishment was that which statutes have recognized and ratified. They submitted that this state of things, which might also soon occur in many other cases, required the interposition of the legislature, by whose statutes the duties on presbyteries of the Established Church of Scotland were imposed. They therefore prayed their Lordships

> "To take the premises into consideration, to apply such legislative remedy as the nature of the case requires, and to pass some statute by which the petitioners, who are acting in obedience to a decree of the Supreme Court, may be protected in the discharge of their statutory duty, and the church courts be restrained from punishing or depriving parties of offices held under the laws of the country for obeying the decree of the supreme courts which gives effect to the statutes of the realm."

He felt it to be his duty to bring this subject under the consideration of their Lordships, that assembly being a proper tribunal to apply to when any injustice was committed, either with reference to a clergyman or to a layman. It was necessary for the peace of Scotland, that the course which had been pursued by the commission of the General Assembly should be arrested; because if it were persevered in, it could produce no other result than that of placing Scotland in a state of the utmost embarrassment. It might be said, that some objection lay against this course of proceeding, on a point of form, connected with proceedings now pending in the Scottish court. No person could respect more than he did proceedings in those courts; and if it could be clearly proved that such was the fact, he would give way to that representation. But he did not believe that in this case any such objection could be fairly taken. He wished to place the case on a broad and extended ground. This was not a mere question between individuals. It was a great public question, and must be decided by competent authority. Those who were now struggling for supremacy in the Church had taken an extreme course in suspending these petitioners. And what did the petitioners pray for? They called on their Lordships to relieve them from that severe and continued persecution with which they were assailed, merely because they paid prompt obedience to the laws of their country. The act of 1834 invaded the rights of property as to Church patronage, and when it came under the consideration of the Scottish courts was held by them to be invalid. Their Lordships' House arrived at the same conclusion, having affirmed the decree of the Court of Session. The resolution of the General Assembly of the Church of Scotland was, as their Lordships well knew, opposed in all respects to the decision of the courts of law in Scotland. It was to this effect:—

> "The Assembly while acknowledging the exclusive jurisdiction of the civil courts in all that related to the civil rights of the Church, yet asserted that the Lord Jesus Christ was the only spiritual head of the Church; that the General Assembly derived no authority from the civil magistrate; that their jurisdiction was founded upon the word of God, who was their only spiritual King and Governor. Their spiritual jurisdiction and authority so received they were prepared to defend, and assert, by the blessing of God, at all hazards; that they had determined finally to enforce the submission of the office-bearers and members of the Church of Scotland, over whom they would exercise the ecclesiastical authority with which they were invested."

Here was a distinct claim for independence. Here was a straightforward declaration that they did not recognise the authority of the civil court. The question between the Church and the nation had then been appealed to their Lordships. They had affirmed the decision of the Court of Session, and the point at issue was thus settled by the supreme tribunal both of England and Scotland. The whole facts of the case proved, that the General Assembly were the aggressors. They had, in the first place, done wrong by passing an illegal act, and they had aggravated and increased that wrong by meeting the judgment of the civil court by the resolution which he had read. So, throughout the whole affair the Church had been the aggressor. The anxiety of these unfortunate petitioners to obey the wishes of the Church Courts had been sufficiently shown by their having originally acted in accordance with the provisions of the Veto Act, and in their having refused to take Mr. Edwards on his trials. But the law of the land, expressed by the voice of the civil court, had told them that they must examine that gentleman, and the interdict commanding them so to do was but a repetition of the words of the Act of Parliament which had passed in the reign of Queen Anne. This injunction they had obeyed, and in consequence of this act of obedience by the civil court, they had been taken before the commissioners of the assembly, who had said to them, "You have obeyed the orders of the civil courts, and therefore you shall be suspended." Could there, he asked, be a more decided act of resistance? The commissioner had proceeded, and had preferred against them an indictment, which had led to their deposition. Now, in that indictment—he stated this boldly without fear of contradiction—there was not a single act of these gentlemen mentioned for which they had not had the authority of the civil courts. These facts were all admitted, and nothing now remained but that the General Assembly should pronounce the formal sentence of deposition against them. He was afraid that he should do injustice to these petitioners if he did not call their Lordships' attention to some other points in this case. He wished to draw their attention to what would be the effect of pronouncing this sentence of deposition. As he read the Act of 1592, these benefices would be declared vacant, and the patrons deprived of their patronage. Was it not, he would ask, under the Act of 1592, open to the heritors in every one of these parishes to say to the minister—"If the Courts of Session suspend you from your legal right, I will not pay you one farthing of your stipend?" Those seven gentlemen, therefore, might be called upon to bring actions against he could not say how many heritors to recover their stipends. The Crown was patron of one of these benefices, and these churches being declared vacant in consequence of the deposition of these individuals, what would his noble Friend do? Would he sustain or abandon the presentee of the Crown? His noble Friend might say, that he would not interfere; but he must be permitted to say, that such a resolution could only endure for a very short time. How would his noble Friend act? If he abandoned the presentee of the Crown he would side with the Church, but, at any rate, under these circumstances, he could not maintain a position of neutrality. Let this collision between the Church and State go on, and the litigation which would arise would be most harassing and ruinous to those clergy of the Scotch Church that were disposed to obey the law. Here there was another view in which the question might be viewed well worthy of attention. He would ask the House what hopes they could entertain that justice would be properly administered in the Church Courts of Scotland whilst matters remained in this condition of conflict between the civil and ecclesiastical law? The General Assembly was now about to meet under difficult and trying circumstances. A periodical, which was the organ of the dominant Church party, speaking on this subject, said—

> "The Assembly will meet under trying circumstances. One of two things must happen—the ministers who have been suspended must be deposed, or the Church of Scotland must be deposed."

What would be the conduct of the members of that Assembly when they were convened, of course he could not say. He could only hope that they would evince a spirit more in accordance with the law. He now came to the most painful part of the question, because he must call his noble Friend's attention to the grounds on which he thought the members of the Church of Scotland were entitled to entertain serious doubts whether they could receive that support from the Government to which they were justly entitled. He should have thought that the suspension of the ministers was a fact so astounding, that any Government would have thought it important to have examined the whole subject, and would have felt that it was a duty to have come to some conclusion. At least he ought to have gone to this extent—to the extent of declaring as his decided opinion, that he would enter upon no negotiations, that he would admit no preliminary, nor proposition, until the law was obeyed. This, he could inform his noble Friend, was the general opinion of supporters of the Government in Scotland; and he must be permitted to add, that the general impression in that country was, that all the Government patronage and favour had been conferred on those who had actively opposed the law. He thought that the Assembly, composed as it partly was, of men of retired habits, and who lived almost out of the world, should receive some unequivocal declarations of the intentions of the Government to encourage it to do its duty, and obey the law. He thought, that under the circumstances, the time had come when something should be done. It might be said, that "we will wait until the Assembly meets." Could any man wish that by such an assurance, either from his noble Friend or the House, the Assembly should be induced to take the one last and desperate step? He, therefore, asked his noble Friend, why he did not at once give some firm and specific assurance which should operate so as to encourage them to support the law? He did not think that the authority of the Government was so weakened amongst those who opposed the law—if its voice were strongly and clearly expressed—as not to have a great effect in their deliberations. If his noble Friend said, that he would wait, he could only infer, that if certain steps were taken, he would then interfere. Would it not be better to prevent now than to punish hereafter? Why not interfere now? It was not a case of private right, but a great public question; and he would ask his noble Friend why the defence of that public question and the vindication of the law should be cast on these unfortunate individuals? The Lord Advocate was the person on whom ought to devolve the duty of maintaining the public interest, and enforcing obedience to the law. He felt every confidence that his learned Friend, if intrusted with that duty—though the report should be true, that he favoured the views of the dominant party in the Church—would execute the law efficiently and vigorously. Under all the circumstances, he did earnestly hope that his noble Friend would be in a condition to say, that he had now made up his mind to give a firm and decided answer—that he was prepared, in the event of the Assembly taking strong measures against these individuals, to say that he would sustain them and assert the law—that he would do what he could to restore order in this state of disorder—that that which had been guaranteed should be applied, and that there should be no means used to defeat the intentions of the State in making these endowments. The noble Lord concluded by moving for a copy of the libel (or charge) preferred by the General Assembly against the seven ministers.

The Duke of *Argyle* was glad that this discussion had taken place, because it would probably lead to a settlement of the question; and, when it was settled, he was sure that it could only be settled in conformity with the rights and privileges of the Church of Scotland.

Viscount *Melbourne:*—My Lords, my noble Friend in presenting this petition has entered into a most able and elaborate history of the differences between the General Assembly and the Courts of Law in Scotland. He has expressed a very strong opinion on the subject—an opinion upon which I do not mean to say whether I agree to it or not. Certainly upon that part of his statement it is not necessary for me to make any observations. My noble Friend has well stated, that it is not a question of a private nature—that it is not a question between patron and presentee—between those gentlemen and the rights which they claim; but it is unquestionably a great collision between two bodies in the State—a great collision between the ecclesiastical and high legal authorities in Scotland. In contests of this nature the part which I should always take is perfectly clear; but, at the same time, it is unnecessary for me to declare it on the present occasion. But when my noble Friend requires me to state distinctly that it is the full and entire intention of the Government to maintain and support the law—to maintain civil rights—I cannot have any hesitation whatever—I cannot have any doubt in giving him that assurance and making that declaration in as decided terms and in as firm a manner as it can possibly be made; but when my noble Friend goes further and asks me, provided the General Assembly takes those measures against these gentlemen which are apprehended in the petition, whether I would then introduce a legislative measure to settle the question, upon that point I must be understood to give no answer. In a constitution such as ours—a constitution composed of many bodies

—of many powers—of many different and separate jurisdictions, it is unquestionably in the highest degree necessary that those powers and jurisdictions should each be confined within its own proper sphere of action, and restrained to its own proper limits. But it will happen sometimes that one breaks out of bounds, and contentions will arise between bodies in the State with respect to the limits of their jurisdiction as to matters over which they have authority. From these the greatest inconvenience necessarily must arise, and I have no doubt that my noble Friend stated to your Lordships correctly the inconvenience which may arise from the difference between the authorities in Scotland; but, when an inconvenience of this kind arises, it does not necessarily follow that the Government must immediately interfere, and that the legislative power must immediately be called into action to put an end to such a state of things. It is the duty of the Government to consider whether the inconvenience is greater or lesser than the inconvenience which would arise from making an alteration in the frame of the constitution, and in the jurisdictions of the respective authorities. Therefore, in the course of last Session, I was not willing to concur in the bill of my noble Friend opposite (the Earl of Aberdeen), which went, to a considerable degree, to affect the rights of patrons; nor do I think, on the reading of this present petition, or in anticipation of any conduct of the Assembly, which perhaps may not follow, that I am called upon to say, that I will introduce a measure which must necessarily affect that which has hitherto been considered to be the rights, privileges, and authorities, of the General Assembly. I say, therefore, that neither on the one side nor on the other am I prepared to alter the constitution of the Church of Scotland. That is a very serious matter, indeed, my Lords. My noble Friend opposite by his bill unquestionably intended to make an alteration in the right of patrons, and any measure which must be necessary to redress the wrongs inflicted on these gentlemen must necessarily effect an alteration in the constitution of the General Assembly. I am not prepared to pledge myself to a measure of that kind at the present moment. I do not see my way in the question, and I am not prepared to say, until I see my way, whether I would rather bear the inconvenience which arises from the present state of things than bind myself to a step which I do not see whither it may lead me, nor to what advantge it may conduct me. My noble Friend has observed on the conduct of the Government in the whole affair; and he has brought some charges against us, which he will forgive me for saying I do not think are of a very serious character. He says, that when the General Assembly proceeded to violent measures against these Ministers we should have broken off all communication with it. The Church knew as clearly as it possibly could, that we disapproved of that conduct; that we thought the claims were erroneous; but that, if they were right in the claims which they put forward, they were unquestionably wrong in the manner in which they sought to enforce them. I do not see, that any benefit could have arisen from the course suggested by my noble Friend; that of breaking off all communication with the Assembly. I do not see what would have been the advantage of that course. Perhaps it would have only increased their violence, and perhaps they would have said, "We are utterly neglected by the Government, and we have therefore nothing to do but to follow our own course." My noble Friend has also said, that the stream of patronage of the Government has been directed to those who held the opinions of the dominant party in the Church. I do not know much myself about the patronage of Scotland. It is not very large; it is not, perhaps, of any very great importance; and possibly the persons who may have been preferred may have held these opinions; but I apprehend that it was not on account of those opinions, that they were so preferred, and therefore I should think that those who appointed them were not aware of the opinions which they held on the subject. Unquestionably we will maintain and support the law, but really I do not see my way sufficiently in the question to enable me to hold out any prospect of the introduction of a legislative measure for altering the law.

The Earl of *Aberdeen* said, that having last year presented some petitions, and having also sought to legislate upon this subject, he felt it necessary to make a few observations. The noble Lord who had presented a petition that evening had stated the case so clearly, and pressed it so strongly on the attention of her Majesty's Government, that little remained for him to say. The hardship of which the petitioners complained had been greatly aggravated since last year, and every year must add to the cruelty and injustice which they suffered. The whole offence charged against them was their obedience to the law as laid down, not only by the Court of Session, but by their Lordships' House. The noble Viscount had said, that he would not undertake to give any opinion on the conflicting judgments of the courts of law and the General Assembly. But would the noble Viscount give him leave to ask whether the House of Lords was to be the supreme interpreter of the law of the land in matters of appeal or not? It was not the judgment of the Court of Session alone, but a judgment pronounced upon appeal by their Lordships, for their compliance with which these unfortunate men were persecuted. They had waited until compelled by legal proceedings; they had done nothing except under constraint, and at a period when, if they had disobeyed, they would render themselves liable to pecuniary damages or personal confinement. And to this their Lordships had reduced them, for no other crime except their obedience to that which they had proclaimed to be law. The noble Viscount said, that he would maintain the law, but would not interfere between these different constituted authorities. What did the noble Viscount mean by maintaining the law? How could he maintain it but by giving it effect? Had the noble Viscount any doubt of what the law was? The dominant party in the General Assembly maintained that the decision of their Lordships' House was illegal, unconstitutional, and in violation of their privileges, derived from the supreme head of their Church. Were their Lordships prepared to admit this? Were they prepared to stultify themselves by consenting to have the judgment, which they had so pronounced, quashed by any authority within these realms? It was a question whether, if the General Assembly acted in contravention of the authority of Parliament, they did not cease altogether to have any legal existence. The state had imposed certain conditions on the Scottish Church, and one of these was to admit all qualified persons presented to benefices. Were they to be permitted to deny the obligation under which they existed as an establishment? The General Assembly had endeavoured to justify themselves by a reference to the Confession of Faith, the only recognized standard of the Church of Scotland. They talked of their second book of Discipline, and pretended to support the claims therein contained by a reference to the Confession of Faith. Now, the latter was embodied in an act of Parliament, and they had a right to refer to it as their guide. But, although their second book of Discipline unquestionably formed the foundation of the Act of Parliament, by which they were constituted in 1592, yet the act specifically excluded these claims on which they now relied as forming part of the Confession of Faith; for in that very act patronage was excepted. The state expressly excluded those parts which gave this patronage to the presbytery. In reply to an observation which had fallen from the noble Viscount (Viscount Melbourne), he would read an extract from the Confession of Faith, showing that the civil magistrate was not excluded, but desired to interfere, in a state of affairs precisely analogous to that which now exists. The noble Earl read as follows:—

> "But he (the civil magistrate) hath authority, and it is his duty, to take order that unity and peace prevail in the Church, that the worship of God be kept pure and entire, that all blasphemy and heresy be suppressed, that abuses of worship and discipline be prevented, and all the ordinances of God duly administered and maintained; and for the better effecting thereof that a certain number of singers be present thereat, and see that all things are done according to the word of God."

The authority of the Church was therefore not exclusive, even in spiritual matters. The Church could no more alter a single particle in the Confession of Faith than could any individual, without the consent of the Legislature. A violent collision had taken place, and the utmost confusion and disorder existed. He would not call it rebellion, because men were accustomed to connect with rebellion acts of violence; but it was not the faults of many of these reverend gentlemen that others were not in open rebellion, and with arms in their hands too, against the execution of the law, through the inflammatory and seditious harangues with which they had excited the whole country against the decisions of the courts. And this was the state of things which the noble Viscount said, he could afford to allow to go on a little longer. In the observations which fell from the noble Viscount about the distribution of the Government patronage in Scotland, he supposed that the noble Viscount alluded, not to the clerkships and other civil offices, but to appointments in the church. When last this subject was mentioned in the House, he saw a direct proof of complicity on the part of the Government with some of the most violent of the majority of the Assembly. It was thought that it would be highly beneficial to the University of Edinburgh to establish a certain professorship, and a Gentleman was named. It was subsequently discovered, however, that this gentleman was one of the prime agitators of the present question, and one who, he should have thought would have been the last to be chosen. It was also discovered that this individual had been guilty of a decided breach of the law, for he called an interdict pronounced by the proper tribunal a part of the law of the land. And what had the noble Marquess done? He suspended the appointment, but instead of appointing some other individual, he said that he would exercise his own discretion. Did he mean to say, that there were not fifty other persons qualified to fill the office, and in all respects unobjectionable? It was, therefore, either a job created for this person's especial advantage, or the noble Marquess was bound to fill up the vacancy according to the exigencies of the public service. Would the noble Lord consent to allow the judgments of that House to be set at nought by the majority of the General Assembly? He held the conduct of her Majesty's Government to be most disingenuous in not stating their opinion of the conduct pursued by the majority of the General Assembly, while he would affirm without hesitation his belief that the views of not a single Minister differed in this respect from his own. He held then, that they were bound to give their moral support to the cause of peace and order by a declaration more specific than that which the noble Viscount had made. The noble Viscount would forgive him for saying, that the course which he was pursuing was not worthy of him. The noble Viscount would acquit him of approaching this subject with any party motive; and he implored the noble Viscount to interpose with some well-aimed measure in so disastrous a state of things, to prevent the arrival of a still more disastrous crisis. He hoped that it was not too late for the Government to turn their minds to this subject. They must sooner or later grapple with the question of what was to be done to support the judgments of the courts and of that House. An alteration of the law would not dispose of that difficulty.

The Marquess of *Normanby* said, he thought his noble Friend near him had given the only answer that could be expected, or that any one had a right to expect. His noble Friend had stated his determination to uphold the law. The noble Earl wanted to know what he meant. Its meaning he thought was simple enough. The noble Earl carefully avoided stating what was specifically to be done, and he could not expect his noble Friend to pledge himself specifically as to what he would do in the event of the General Assembly taking any particular course. The General Assembly would either keep within their powers or exceed them. In the former case they could only be checked by legislation—in the latter there were civil courts to appeal to. The noble Earl had said, that the stream of Government patronage in Scotland had flowed towards those who had thus violated the law. Now with respect to church patronage in Scotland, it had been the habit of the Crown before he took the seals of his present office, to issue a leet to select a candidate, and with respect to the persons put on the leet no one was put on because he was of non-intrusion principles. His noble Friend near him might, perhaps, say he had been misinformed or deceived, but he had reason to believe from those on whom he relied that this was not the case, and that whilst perhaps no person had been excluded from the leet on account of his principles, still that the patronage should not be bestowed in favour of those who violated the law. The noble Earl had alluded to Mr. Candlish's case. After all that had been said before, he was somewhat surprised that his case was now revived. He had never said, that it was "necessary" to establish the professorship, but when a vacancy arose he thought it a good opportunity of carrying out the recommendation of a commission that had sat seven years back, but on consideration he did not think, looking at the state the Scotch Church was now in, that it was a favourable moment to create a new professorship so intimately connected with the doctrines and practice of that Church.

Viscount *Melville* said, that it was in the power of the Government to direct the Lord-Advocate to take steps to protect those seven ministers in their benefices. The General Assembly had no power or process by which to carry out their decrees. If the seven ministers refused to quit their glebes, all that the church authorities could do would be to go to the sheriff—not authoritatively, not calling upon him as a ministerial officer to assist them with the civil process—but by humble petition, craving his aid in his judicial capacity. This, however, it would be rather dangerous for the sheriff to exert, and he would probably hesitate to stir in the matter. He hoped that Government would reconsider their course. At any rate, if the General Assembly proceeded to deposition, it would be the duty of the Government to interfere forthwith, and not to allow these seven ministers to incur the ruinous expense of defending their causes in the courts, but direct the Lord Advocate to interfere to protect them.

The Earl of *Roden* said, that when the noble and learned Lord described the whole stream of Government patronage as having flowed to those persons to whom he referred, he (the Earl of Roden) thought he pronounced the highest compliment to the Ministry that they had ever received. The observations of the noble and learned Lord on the eminent persons whom he had attacked were in his (the Earl of Roden's) opinion far too strong. He was convinced the General Assembly were only doing what they conceived to be their duty.

The Earl of *Haddington* knowing the influence which the noble Earl had in Ireland, hoped he would suspend his opinion till he had made himself fully acquainted with the history of what had taken place in Scotland. He knew the high respectability of the Ulster Presbyterians, but there was a great difference between their case and that of the Scotch Presbyterians. In Ireland they were Dissenters, and might feel they had some right to expect that no one should nominate their ministers; but in Scotland they were part of the Established Church. He wished now to make an observation on the subject of leets. He thought there never was a device more calculated to sow dissention in the country and in the Church than the practice which had been commenced by Lord Grey's Government of issuing leets on the occasion of vacancies in the Church of Scotland. It had given rise to canvassing by sermons and other discreditable practices. With respect to Mr. Candlish he was extremely happy to hear from his noble Friend opposite that it was not the intention of Government to fill up the appointment which they had intended for that Gentleman. If their Lordships desired to show their regard for the Church of Scotland, and their desire to add to its efficiency as a useful religious establishment, they would do all in their power to prevent the misfortune which would ensue should the General Assembly make another declaration in opposition to the decision of the Court of Session.

Petition laid on the Table. Motion for a copy of the charge against the seven Ministers agreed to.

POOR-LAW COMMISSION (IRELAND)—CLONMEL UNION.] The Earl of *Glengall* rose to bring before their Lordships the subject of the falsification of certain returns which were moved for in that House. It was not necessary for him to enter into any long statement on the subject of the extraordinary and improper conduct which had been pursued, nor on the unconstitutional nature of this conduct. Nothing could be conceived more unconstitutional, nothing more detrimental to the public service, than the falsification of returns ordered by Parliament. There was no knowing where the mischief might end, if these returns were permitted with impunity to be falsified. Documents ordered by that House should at all times be correct, yet there could be no doubt, for it had been clearly proved, that the returns from the Poor-law commissioners' office in Ireland were incorrect. There could be no doubt that such falsification was a breach of privilege of their Lordships' House. But he was not inclined to consider it in that light. It was more, much more, than a mere breach of privilege, it was a contempt of the authority of their Lordships' House, and it was with a view to affirm that fact he framed his resolution. There was one point which was clearly ascertained by a reference to the journals of the House, that this was the first occasion when such a contempt had been committed. In all the records of their Lordships' House there was no precedent for such conduct on the part of public functionaries. It was reserved for the Irish Poor-law commissioners to make a precedent. The offence merely was this:—Certain returns were moved for from the office of the Poor-law commissioners, regarding the Clonmel Union, and certain correspondence respecting the appointment of returning officer to that union. One return was moved for on 1st of February, 1840, and in May, 1840, another return was moved for and made. In that last return there was a copy of a letter purporting to be written to an individual of the name of Fennell, it appeared in evidence taken at the bar, that the letter inserted in that return was not the true copy of the letter sent to Mr. Fennell; that the letter purporting to be an extract of the register, was written in a different shape from that in which it was made in the month of February. It also appeared in the return made in May, that an extract from the report of Mr. Phelan was returned in a different shape from that made in May, and it was also placed in a different position in the return, so as to deceive their Lordships. A third return was also ordered in the early part of the Session of 1841, which proved that the two former were false returns. It was not necessary for him to prove these facts, they were fresh in their Lordships' recollections. There was one circumstance, however, connected with the privileges of their Lordships' House, to which he felt it his duty to advert. The Poor-law commissioners in Ireland appeared to have taken a most singular view of the power they possessed to comply or not with an order of their Lordships' House. It appeared, that when their Lordships' House ordered copies of all correspondence between the Poor-law commissioners, in reference to the appointment in a particular union, they did not feel themselves bound to return the correspondence which took place between the assistant commissioners and other parties in reference to the appointment in a particular union, they did not feel themselves bound to return the correspondence which took place between the assistant commissioners and other parties in reference to the appointment. Such conduct, on their part, had been proved in the evidence at their Lordships' bar. This matter could not remain in this position. Let them suppose a correspondence to take place between the magistrates of Birmingham and the Home Secretary, and that their Lordships were to order a return of that correspondence from the Home-office, and that it should so happen that the letters were addressed to the Under Secretary, and that the return from the Home-office was *nil*, would i not, he would ask, be a most improper return, and such as would be visited with the just censure of the House? He (Lord Glengall) conceived that the words "all correspondence," included any letters that may have passed between the assistant commissioners and any other party; and that in suppressing any portion of the information required, the Poor-law Commissioners had acted in a manner which no other public functionaries would have presumed to do. There was another point to which he begged to direct their Lordships' attention, as it was one of great importance, and well worthy of remark. It struck many of their Lordships at the time the evidence was given at the bar, that in the manner in which the Poor-law business was conducted in Dublin, truth was little regarded. It did appear that the exact truth, the precise state of the case, was never considered when the commissioners were called on to return answers to applicants, it mattered not, it appeared, whether the answers sent were consistent with the truth, provided it saved them trouble, and satisfied the parties that there was no use in making further application. He could not conceive anything more scandalous than that truth should not be the basis on which a public body acted. Though there were other subjects of great importance in Ireland mooted in this Session of Parliament, he knew no subject that excited greater interest than did this Poor-law investigation. This was not to be wondered at, when thus considered—not only that the taxation of all property in the country was in the hands of those individuals who administered the law; but also, when they considered that on this act, in all probability, one of these days, the parliamentary franchise of the people of Ireland would be based. It was, therefore, of the highest importance that the administration of this law should be conducted on proper principles. It was also imperative that those appointed under it should be men of the highest character—men, in fact, whom the public would have reason to suppose would act with strict impartiality. Whether or no the officers appointed by the Poor-law Commissioners had acted with impartiality, their Lordships would decide from the evidence adduced at the bar. There were many, however, who thought that this was not the case, and he was compelled to state, that he did not think such strict impartiality had been observed in the appointments as the House was led to believe would be the case when the bill was in progress through Parliament. This belief was the cause of all the excitement that had taken place in Ireland. He could not dismiss the subject without noticing, in some respect, a point which, one of those days, when this matter progressed, he might be obliged to bring under their Lordships' consideration. It was a serious point, and very forcibly struck him at the time, but much more so since he had an opportunity of acquiring more knowledge on the subject. It was this—that he found great difficulty to reconcile with the truth the evidence given at that bar. But as there would probably be an opportunity afforded of that matter at length, he would reserve himself for that opportunity. With regard to the individual himself, who would probably come under their Lordships' censure, he was not disposed to ask that any severe punishment should be inflicted upon him; because he felt that though this person must be the chief sufferer, he could not but think, both from the evidence, as well as from understanding the case, knowing the circumstances and how it occurred, and what it was that probably led to the falsifications of those returns, he could not but think that Mr. Stanley had been the dupe of more subtle, more astute, and more deeply skilled parties than himself. Although it was manifest that the House must adopt his resolution, he hoped he should not hear it said, that there could be no motives for what had been done. He could not reconcile it to his mind, that all this tissue of falsehood was concocted without a motive. He had endeavoured not to be acrimonious in this matter, and he trusted that he should not be compelled by any such observations as he had alluded to, to throw away the pruning knife, and take up the axe in his reply. The noble Earl concluded by moving the following resolution:—

"That it appears to this House, that Mr. William Stanley, secretary to the Poor-law Commissioners, did, in contempt of the authority of this House, make an alteration in a paper ordered to be laid before this House, after the order for laying such paper before this House had been received by him."

The Marquess of *Normanby* stated, that it was not his intention to take the discussion on this Resolution, but would reserve it for the next.

The Earl of *Wicklow* said, the resolution was stronger than the case would justify, as their Lordships ought not only to take into consideration the act, but also the motive. His noble Friend (the Earl of Glengal) seemed to rest his case more on his knowledge of Clonmel than upon the evidence taken at the bar, upon which alone their Lordships would be justified in coming to a conclusion. Now, in that evidence he could not trace any corrupt or improper motive to Mr. Stanley. In his own opinion, Mr. Stanley was the least culpable of all the parties implicated in this transaction. At the proper time he would undertake to prove, that much greater culpability rested upon others than upon Mr. Stanley. He must also observe, that the proceedings of his noble Friend opposite (the Marquess of Normanby) against Mr. Stanley, were not founded in justice either. His noble Friend ought to have considered the evidence before he took any steps on it; and yet in the recess he had dismissed Mr. Stanley from his office. True it was, that Mr. Stanley had offered to resign it; but, under all the circumstances of the case, he thought that the noble Marquess ought not to have accepted that resignation.

Lord *Ellenborough* observed, that Mr. Stanley had been selected for punishment because he was the only person against whom the House could at present proceed. The only question before the House was a question of privilege, and the only person with whom it could deal was Mr. Stanley. Other persons might be more culpable, and his noble Friend near him, on another occasion, might be able to prove that such was the case, but at present Mr. Stanley was the only person the House could touch. He did not wish to press hard upon Mr. Stanley, but a great contempt of the authority of their Lordships' House had been committed by that individual; and if their Lordships did not mark that offence with their displeasure, there would be no security for the fidelity of any return which might hereafter be made to Parliament.

The Marquess of *Normanby* denied, that he had acted with injustice to Mr. Stanley. He wished to call to the recollection of his noble Friend the situation in which the Government would be placed if it connived at all at such conduct as this. However unimportant this matter might be in itself, there was, nevertheless, a great question involved in it, and that was the securing the unimpeached fidelity of every return made to their Lordships. No man who had read the evidence could deny that a contempt of the authority of that House had been committed. He was glad to hear his noble Friend contend that Mr. Stanley had not been influenced by any corrupt motive. That was undoubtedly the case; his motive was to conceal a deficiency in the performance of his duty. He ought to have notified at the bottom of the page that he ought to have taken such and such a course, and that from the accumulation of business he had not. He thought that the offence had arisen from having wished to conceal a discrepancy which existed in his documents. If he had had the moral courage to have made the returns as they stood, and accounted for the discrepancy at the bottom of the page, he would not have been visited with their Lordships' censure. His own impression was, that it was the intention of the Poor-law commissioners to act fairly and impartially. Certainly it was the intention of the Government that the act should be fairly and impartially carried out. In proof of this they had selected as the principal person to carry the Poor-law act in Ireland into execution, one who had been engaged in superintending the operation of the Poor-law in England, and whose political opinions, so far as they were known, rather tended towards those entertained by the party opposite. Moreover, the evidence of Mr. Stanley went to show that the Irish government entertained the same desire that was entertained by the Government here, that this act should be impartially carried into effect. His noble Friend opposite had stated that his knowledge of Clonmel and its neighbourhood enabled him to penetrate the mystery that involved those. Now he could not conceive any thing more trifling than the *corpus delicti* in this case, of which so much had been said. An office of such trifling emolument could not be of much importance to the individual, and he could not conceive how any political object could be answered by the appointment of this individual to that office. With respect to the conduct of Mr. Stanley, he considered that the act committed by that individual was such as to render it impossible that he would be continued in the office. At the same time he was bound to say that all those to whom Mr. Stanley was known spoke of him as a person of unimpeachable integrity, and those under whom he had served felt sorry at the loss of his services. He hoped that the Poor-law commissioners would take care that in future this act should be carried out with the strictest impartiality, and without any political bias whatever.

The Duke of *Wellington:* My Lords, allusion has been made by my noble Friend to the conduct of Mr. Stanley. He has proposed a resolution on that subject, which I conceive to be very properly worded, and there is no doubt that this House must pass that resolution. There is another consideration involved in this question, arising not only out of the evidence before your Lordships, but also out of what we know from papers not yet printed, and also arising out of this discussion. My Lords, I have contended all along, that it is not the conduct of Mr. Stanley, or of any inferior and subordinate person that ought alone to come under your Lordships' consideration, but the conduct of the Poor-law commissioners themselves. I say that they should have prevented these things. I voted for the Irish Poor-law bill, and proposed amendments, which I believe induced your Lordships to pass this bill. I am sure that those amendments had the effect of inducing others to approve of that bill who would not have done so if those amendments had not been introduced. I did all this on the faith and assurance not only of the House and the Government, but of those Gentlemen themselves, that it would be carried into execution on the principle stated when it was carried through the House, namely, that the measure would be carried into execution in Ireland with the same strictness and fairness as it was in this country. In this expectation I have been altogether disappointed, and for this reason I am determined, when I get the other papers, to read every line of them, and probe the matter to the bottom, in order to see where the mischief lies. But recollect there is not only this case, but several other cases before your Lordships, in every one of which there is corruption. We cannot stop here with the resolution of my noble Friend. The Clonmel case is a very gross case. The noble Lord opposite has told us that the office can be but of little importance, as the salary is only from 10*l.* to 30*l.* a-year; but see what power the office gives. In this very case let your Lordships see what happened the next day, when the brother-in-law of this individual was appointed valuator, a situation which puts the property of every man in some degree in his power. We must go deeper into this question if we wish to do justice to Ireland, and to the gentlemen who hold property in that country. We must take care that their property shall not be left at the disposal of such miscreants, and we must make the Poor-law commissioners do their duty. I cannot conclude without adverting to another case, namely, the Naas case. What happened in the Naas case? A person was appointed a returning officer who had been convicted of forgery in the case of an officer of Dublin Castle. He was tried and convicted, was sentenced to transportation, was, I believe, on board the hulks, but certainly was in Newgate, one of the gaols of Dublin, awaiting the execution of his sentence. This man, convicted of forgery, was the man they selected to fill the office of returning officer, an office which gave him great influence in the return of the valuator. Having assisted in the carrying of that law, I am bound to see that justice is done; and I will, if I have power to do so, see that justice is done. The noble Lord opposite, when this case was first mentioned, stated that this was not the same person, and that there was a mistake as to the identity of the man; but I stated that I had reason to know that it was the same man, and yet the Poor-law commissioners appointed this man. When the assistant Poor-law commissioner is sent to make inquiries respecting the fitness of an individual, he makes his inquiry of the individual himself. He is told, as was the case in Clonmel, that there is a gentleman of large fortune of whom inquiry ought to be made, but he never thinks of asking him any question on the subject, for it was sufficient for him to know that he was the nephew of a person called the Archbishop to be satisfied of his fitness. It would be mere stuff to stop here; the persons on whom the House must call are the Poor-law commissioners themselves. Let them be taught to feel it their duty to keep a correct record of their proceedings, which they will be ready to produce at any time that the House or the Government may call for them. Let them be taught to feel that the House will not permit such conduct as this, and we will soon see an end to such abuses as those out of which the resolution of my noble Friend arises. In the course of the Session, when all the papers are before us, it will be absolutely necessary to take the entire subject into consideration, and we must see what shall be done to render it certain that this measure shall be as fairly carried into effect in Ireland as in this country.

The Marquess of *Normanby* said, that not having expected that the Naas case would be brought before the House, he had not brought papers with him. He did not mean to deny that the appointment was an improper one. This person was employed to write for a soldier's pension, the soldier being dead. The case was of such a nature that no imputation rested upon his moral character, and to such an extent was this impression entertained that after his release from prison the clerk of the peace continued him in his employment.

The Duke of *Wellington* said, that they should have before the House an exact history of that man's proceedings. He had been greatly disappointed at the manner in which that act had been carried out, and he hoped that the House would not lose sight of the subject.

The Marquess of *Westmeath* said, that in the last Session of Parliament he had brought the subject of the *mal*-administration of the Poor-laws in Ireland before their Lordships' notice, and had intended, but for the late period of the Session, to have moved for a select committee to inquire into the matter. He was prepared to prove that the whole thing had been most injuriously, most shamefully, and most grossly jobbed. He was sorry to say, moreover, that it had been made a religious question, and that the priests had most shamefully interfered in the appointment of the guardians and other officers. In short, the valuation of the country was placed in the vilest hands. If a committee were appointed, he (Lord Westmeath) was in a situation to prove that his statements were not in the least overcharged. In fact it would appear that nothing had been said, at his side of the House, at all equal to the statements which would be substantiated upon oath. He was astonished to hear his noble Friend (Earl Wicklow) offer excuses for the conduct of the commissioners. The commissioners had notice from Mr. Bagwell that this Butler was an improper person, and yet without making any inquiry, they appointed him. He did not wish to speak uncharitably, or to press severely upon any man, particularly when he was pressed down by misfortune, but he felt constrained to say it was absolutely necessary that this matter should be carried much further. If the law were not properly administered the landed property would be ruined, while, on the other hand, if the views of parliament were fairly carried out, he hoped much benefit would eventually arise to the country from the enactment. He could not conclude without expressing his best thanks to the noble Duke for the statement made that night, and his intention to see the law fairly administered.

The Earl of *Wicklow* had not defended Mr. Stanley's conduct, but merely stated that he had been singled out for punishment, though he seemed the person least concerned in these transactions.

The Earl of *Glengall* said, as was his custom, he had placed on the Table the documents on which he founded his statement. When the Clonmel case should have been thoroughly sifted it would be found that he had been more than justified in the course he had taken. It should be recollected that in a Parliamentary borough like Clonmel an office of this kind was of great importance. Now in Clogheen and other unions they had appointed the high constable returning officer, but this rule, which the commissioners acted on elsewhere, had been particularly departed from in the parliamentary boroughs of Clonmel and Cashel. The returning officer was an important officer in a borough town. He was able to return a partisan board of guardians. Now, in this case what was to be done? The board of guardians appointed the brother-in-law of the returning-officer to be valuator, and when his appointment was not allowed, they then appointed his nephew. Besides this, relatives of his were appointed master and mistress of the poor-house. He moved the resolution.

Resolution agreed to.

The Earl of *Glengall* then moved, that Mr. Stanley be ordered to appear at the bar of their Lordships' House on Friday, the 14th of May inst.

The Marquess of *Normanby* trusted that the House would think that their dignity had been sufficiently satisfied. He hoped their Lordships would feel that this individual had been sufficiently punished by the loss of his office. He would remind their Lordships that Mr. Nichols had stated on oath, that Mr. Stanley was in such a state of nervousness that his life might be endangered if he were again to be subjected to any further proceedings. He hoped, therefore, that his noble Friend would feel that the dignity of the House had been sufficiently vindicated.

Lord *Ellenborough* said, that the motion of his noble Friend was the most lenient he could have made. However, as it had been stated that Mr. Stanley's state of health was such that his appearance at the bar might have a most injurious effect upon him, he considered that the object might be answered by embodying that fact in a resolution, and having it entered on the journals.

The Earl of *Wicklow* concurred in that view.

Lord *Ellenborough* drew up a resolution setting forth that, upon a motion made that Mr. Stanley, the assistant secretary to the Poor-law commissioners, be ordered to attend at their Lordships' bar, a noble Lord stated that Mr. Stanley's health was such as to make it dangerous for him to attend, and the motion for his attendance was, therefore, withdrawn.

The Earl of *Glengall* withdrew his resolution, and moved it in the amended form in which it had been read by Lord Ellenborough.

Resolution agreed to, and ordered to be entered on the journals.

The Earl of *Glengall* also moved, that there be laid before their Lordships a copy of the resignation of Mr. Stanley of the office of Assistant-secretary to the Poor-law commissioners, and the minutes of the board accepting such resignation.—Agreed to.—Adjourned.

HOUSE OF COMMONS,

Monday, May 3, 1841.

MINUTES.] Bills. Read a second time:—Turnpike Roads.—Read a third time:—Dublin Wide Streets.

Petitions presented. By Lord Castlereagh, from the Remonstrant Synod of Ulster, in favour of the Total Abolition of the Punishment of Death.—By Sir R. Inglis, Mr. Plumptre, Mr. Neeld, Colonel Sibthorp, Mr. Kemble, and others, from Stafford, Torquay, places in Lincolnshire, Surrey, Wiltshire, and other counties, for Church Extension.—By Mr. Brotherton, Mr. Mark Phillips, Mr. W. Evans, Mr. E. Buller, Mr. Baines, Sir G. Strickland, and others, from Bury, London, Saddleworth, and a great many other places, for a Repeal of the Corn-laws.—By Sir R. Inglis, from a place in York, and Colonel Verner, from Armagh, against Maynooth.—By Captain Douglas, from the Board of Guardians of Brentford, against certain parts of the Poor-law.—By Mr. W. O. Stanley, from a place in Anglesea, for the Repeal of the Poor-law.—By Sir W. Somerville, from Drogheda, against Lord Stanley's Irish Registration Bill.—By Mr. E. Buller, and Mr. A. Sandford, from several places, against Church Rates.

RESIGNATIONS.] Colonel *Sibthorp* wished to ask the noble Lord opposite whether it were true, as reported at the west end of the town, that the hon. Member for Windsor had resigned the situation that he held under the Government? and next, whether it were the intention of the noble Lord to bring forward the civil contingencies that evening?

Lord *John Russell* said, that he should not answer the first question put by the hon. and gallant Gentleman; and, with respect to the civil contingencies, he said that it was not his intention to proceed with them that evening.

REGISTRATION OF VOTERS (IRELAND) BILL.] Mr. *Smith O'Brien* wished to ask the noble Lord opposite (Lord Stanley), whether it was his intention to proceed with his Registration of Voters Bill on Wednesday next?

Lord *Stanley* said, it was not his intention to proceed with the bill on Wednesday. He should, for the present, postpone it for a fortnight, and he should take care that Gentlemen, on both sides of the House, should have ample notice of the time when he intended to bring it forward.

Bill postponed.

BREACH OF PRIVILEGE—"MORNING CHRONICLE."] Mr. *Handley* rose, he said, for the purpose of calling the attention of the House to the case of a breach of privilege. He could not have supposed it possible, that any occasion could have arisen on which he could have felt justified in attempting to occupy their attention on a matter that was merely personal to himself; but when he was made the object of misrepresentation, as gross and unjustifiable as it was calculated to prejudice him out of doors, he had no other means of defence left to him but to throw himself on the kindness and indulgence of the House. It would be in the recollection of many hon. Members, that on Friday last, the hon. Member for North Lincolnshire had thought fit to make some remarks savouring, as he thought, to use the hon. Member's own expression, of an election clap-trap, which affected both his noble Colleague and himself; and, on that occasion, he himself had stated that whenever the Corn-law should be under discussion, he should be prepared to meet it, and that the interests of Lincolnshire would not be neglected by his noble Friend or himself; and he further said, that from whatever quarter the subject was presented, he should, when called upon, be found to do his duty, to his constituents, and to the public. These were, he believed, the precise words, and the only words that he had used. The House would, therefore, judge of his surprise upon reading the *Morning Chronicle* of the next morning; and, although he did not wish to say anything unpleasant, it was a paper that seemed disposed to misrepresent, more or less, all Gentlemen on his side of the House, except the hon. Member for Leicester; but, he said, to his surprise, he found himself reported to have made these observations:—

> "Mr. Handley approved of the manner in which the Chancellor of the Exchequer had mentioned the Corn-laws, and said, that when the proper time came, he should be quite ready to second the right hon. Gentleman in dealing with the various details of this important subject."

[*Laughter.*] This might be laughing matter for hon. Gentlemen; but he thought that he need not declare to hon. Members who were present on the occasion, that not one single sentence here attributed to him had fallen from his lips. He said nothing from which such an opinion could be inferred. He entertained no such opinion, and he did not hesitate to say, that not only did he not approve of the mode in which the Chancellor of the Exchequer introduced the subject of the Corn-laws, and so far was he from being ready to second the right hon. Gentleman in dealing with the various details of this important subject, that he was determined, if it depended upon his vote, not to afford him the opportunity of considering it at all. There was no man more willing than himself to allow for the onerous duties of gentlemen connected with the press, who reported the proceedings of that House; though, on most occasions, they sedulously took care not to report him at all, and, in doing so, no doubt they exercised that which was a sound discretion. When remarks had been made by him before, that had been mistaken, he had thought it sufficient to request that the same columns that had conveyed the mistake ought also to convey the correction. But he thought and hon. Members would agree with him in thinking, that it would be no reparation to him that the *Morning Chronicle* should offer him a small corner in its columns to contradict such a misrepresentation as this. He thought the antidote ought to be conveyed through the same channels by which the poison had been infused. It was well known that the reports of the morning papers were conveyed into the London evening, and the provincial papers, and it might be somewhat difficult for him to give his correction to the world, otherwise than by the mode he had adopted, although even then it might be doubted whether the correction would be conveyed to his nine thousand constituents, spread over a million of acres. It must be obvious to every one that the announcement of his right hon. Friend below him had placed him in a situation, not of difficulty—for an honest man had but one course to pursue—but of laying him for a time under a cloud and suspicion. He could not but feel that a representation like this could not have originated in inadvertence or mistake. It was painful to him to attribute motives, but he was at a loss to know why so gross an injustice should be done to him. He was quite sure that no hon. Member opposite would avail himself of such dirty means to injure him. He was inclined to think that whoever represented the words to the *Morning Chronicle* thought that some little advantage might be obtained to carry out the principle that they advocated, by having it in their power to show that the opinions of so humble an individual as himself, representing a large agricultural district, had undergone a change. Such was not the case. It was enough for him to say, that it was not the case. He felt that he must leave the matter entirely in the hands of the House. He felt grateful for the indulgence it had afforded him in making this statement; but he would only observe, that what had happened to him to-day, might happen to other hon. Members to-morrow. If they thought it was for their advantage, and the vindication of the privileges of the House, and for free discussion, that further notice should be taken, the matter was in their hands. It only remained for him, in the common form to move, that the printer of the *Morning Chronicle* do appear at the bar of this House.

Mr. *Hume* submitted to the hon. Member—

The formal order was read, that "Thomas Nicholson do attend at the bar of the House."

Lord *J. Russell* suggested, that it would be better to have the paragraph that had been complained of read.

The Clerk read the paragraph at the Table of the House.

Mr. *Hume* having been present when the hon. Member spoke on Friday night, could confirm the accuracy of his statement as to the words that fell from him on that occasion, and also say, that the paper did not contain a report of his words; but totally misrepresented him, But admitting such to be the case, he put it to the hon. Member whether he had not served his object in giving publicity to his denial, and refuting the charge that had been made against him. He put it to the hon. Member whether he would take up the time of the House in bringing editors or printers before it. He would submit to the hon. Member, that at a time like the present this should not be done. He trusted that the hon. Member would be satisfied with the vindication which he had now so amply obtained.

Sir *De Lacy Evans* declared that he was perfectly surprised that his hon. Friend below him should have brought forward this matter. Humble as he was, he had been often very much misrepresented, and yet he never had the presumption to intrude upon the House on any occasion. He could not suppose that any one would believe that the *Morning Chronicle* would intentionally misrepresent the hon. Member. It was evidently done through mistake. He must say that it really appeared to him that the hon. Gentleman seemed to desire to make an electioneering speech; for he had not contented himself with correcting the mistake of which he complained, but he had in very formidable terms declared his opposition to her Majesty's Government. He did not think that, in correcting an error, the hon. Member should have shown a bad example to other Members; because other Members might, on the eve of an election, deliver themselves of electioneering speeches, by making similar motions.

Mr. *Handley* said, in reference to what had fallen from the hon. and gallant Member behind him, when he talked of his not having had the presumption to introduce such a subject, he could only say that it was not his good fortune to be possessed of the hon. and gallant officer's modesty. The hon. and gallant Member might get a meeting of his constituents at the "Cat and Gridiron," or any where else, on any evening he pleased; but the hon. and gallant Member would find it a tedious and difficult matter to go through the constituency of Lincolnshire, in order to set himself right with them. The hon. and gallant Member might moreover have so many strong and overwhelming claims upon his constituents, as to induce them to overlook such a dereliction of duty as he was represented to have been guilty of. He could tell the hon. and gallant Member that he did not, and he thought he might add that the House did not, participate in the feelings which had induced the hon. and gallant Member to interfere on the present occasion. He had, according to the forms of the House, concluded with a motion; but as he was quite satisfied that the only reparation he could obtain, at all commensurate with the injury done, had now been afforded, he begged leave to wirhdraw it, thanking the House for their patient attention.

Motion withdrawn.

Corn-Laws.] Lord *John Russell*, in reply to a question proposed to him by an hon. Member on the Opposition benches, said that he did state the other night that he would be prepared on Friday next to state the amount of duty that he proposed to fix on corn. He should be ready to do so.

Sugar Duties.] Viscount *Sandon* said, that on Friday night, previous to the House going into Committee of Ways and Means, for the purpose of fixing the duties on sugar, he meant to propose a resolution, by which the sense of the House might be taken in opposition to the proposition of the right hon. Gentleman; and he would take an early opportunity of apprising the House of the words of the resolution.

Lord *J. Russell* understood the noble Lord would propose a resolution in opposition to the proposition of his right hon. Friend.

Viscount *Sandon* meant to propose a resolution, by which the sense of the House might be taken in opposition to the proposition of the Goverment.

Sir *R. H. Inglis* hoped, that in the resolution, words would be introduced declaring against this country having anything to do with slave-grown sugar.

Subject at an end.

Punishment of Death.] House in Committee on the Punishment of Death Bill.

On the second clause being read,

"Wilfully and maliciously setting fire to any of her Majesty's ships, arsenals, dock-yards, &c. &c.):—If any person shall be convicted of any of the said offences, such person shall not be subject to any senteuce, judgment, or punishment of death, but shall, instead thereof, be liable, at the discretion of the court, to be transported beyond the seas for the term of the natural life of such person, or for any term not less than seven years, or to be imprisoned for any time not exceeding three years,"

Lord *J. Russell* said, he could not consent to the clause as amended. He thought it would be a most dangerous act to abolish the punishment of death in cases where persons were convicted of setting fire to her Majesty's dockyard in time of war.

Sir *R. H. Inglis* entirely concurred with the noble Lord's objection. When a similar proposition was made to the House, he (Sir R. H. Inglis) opposed it on the same ground, and the justice of his view with regard to the paramount necessity of protecting the property of the Crown was, he thought, confirmed by the attempt which was made, two months afterwards, to set fire to one of her Majesty's dockyards.

Viscount *Dungannon* also took the same view. He approved of the mitigation of crimes to which capital punishments had been hitherto applied, but he thought if the Legislature, from motives of mistaken clemency, were to proceed much farther, they would make a most fatal inroad on the security of life and property in this country.

Mr. *Hume* thought the noble Lord was bound to show that a further diminution of the application of capital punishments would have the effect he apprehended before the committee could be expected to share in those apprehensions. Did the hon. Gentleman who opposed the clause mean to say that protection to life and property had been in a degree taken away by the humane enactments that had already passed, abolishing nine-tenths of our capital punishments? He, on the contrary, thought that taking away the life of a fellow-creature did not tend to the prevention of crime;—this was his conviction, founded on long and close observation. He admitted it was essential to the public safety that the property of the Crown should be effectually protected, but life should not be sacrificed as a punishment for its destruction, any more than for the destruction of private property; or, if any difference should be made, it ought to be for a severer punishment for those who destroyed the property of poor and helpless individuals. As to the moral effects of an execution in public, a shocking spectacle that took place since they last met must have proved that the approach of the punishment of death would have no terrors for a desperate individual, and that the ignominious ceremonies of the gallows were merely treated by the mob as exhibitions to be laughed at. These brutalising scenes had no certain effect but to harden the hearts of criminals and spectators, and knowing this to be the fact, he thought it high time that they should now be altogether done away with, and, therefore, he gave his most hearty concurrence to the clause, and he thought that the noble Lord was bound either to join them in agreeing to the clause, or to prove that the punishment of death was a protection to life and property.

Mr. *O'Connell* said, the noble Lord, the Secretary for the Colonies, had made a mistake in calling capital punishment the strongest arm of the law for the prevention of crime. The question was, was it the strongest arm of the law? In his opinion that arm of the law was in reality the stronger which acted with a more speedy and certain result, and undoubtedly secondary punishments being inflicted with certainty when capital ones might be evaded, the former were more likely to terrify offenders, and to prevent the commission of crime. The noble Lord and the right hon. Gentleman talked of the necessity of the present statute to prevent persons from setting fire to dockyards, but the recent attempt proved that the present law did not prevent that crime. Why was it that capital punishments did not check crime? Because they were generally regarded as too severe, according to the calculations of men of humanity, and this feeling was now becoming universal with the public. If, then, the legislature continued to brutalise society by accustoming it to ignominious capital punishment, a hardened class of men would still be created, who seeing human life destroyed by the law, would also disregard the destruction of human life themselves. In fact the spectacles of capital punishment would make criminals value their own lives less, and would in some degree familiarise them with the commission of murder. The right hon. Baronet said, if this clause were adopted, what punishment would remain for persons convicted of setting fire to ships in the face of an enemy? Why this would be high treason, and the crime would come under the statute providing for that offence. His opinion was, that the punishment of death ought to be altogether abolished, but in the case supposed by the right hon. Baronet, it would be still punishable by capital punishment under the present bill. He trusted the House would continue to legislate in that spirit of humanity that distinguished the present day. Thus the efficacy of the secondary punishment being certain, would be increased. And the nature of the highest degree of secondary punishment was by no means light. They had heard in the evidence of medical witnesses that prolonged periods of imprisonment tended to the death of the criminal, for they were in effect sentences of death, though the period of their execution was spread over a long period of time. The abolition of the present capital code would prevent the horrible possibility of the execution of innocent men. They had heard of the recent case of a wretched man, who died with every appearance of contrition, but at the last solemn moment solemnly calling upon the God who was about to judge him that he was innocent of the crime for which he was just going to be executed. He would not dwell upon the circumstance, that the judge before whom that man was tried procured more convictions than other judges; but when the fact of this probability got abroad that a man was more likely to be hanged if he were tried before one judge, and would have a better chance of escape if he were tried before another, it must induce criminal men to venture on a sort of game of hazard, calculating the chance of escape on the possibility of being tried before one judge rather than another, and so attacking or sparing life according to the impression made upon them. One great reason, then, for abolishing the punishment of death should arise from the defectiveness of tribunals, through the fallibility natural to man. Let the House lessen the danger attending this fallibility, and judges would at least escape the responsibility of sentencing, by mistake, innocent men to death. And as, upon the showing of other hon. Gentlemen, the effect of the mitigation already enacted had not been to augment but to diminish crimes, he thought that justice as well as humanity encouraged them to proceed in the work of bloodless legislation. The Acts of Parliament awarding capital punishment must be mitigated—indeed they had been already greatly modified by the humanity of judges and juries.

Mr. Sergeant *Talfourd* hoped the clause would pass into a law. He entirely concurred with his hon. Friend, the Member for Kilkenny, and differed from the hon. Gentleman, the Member for the University of Oxford. However he did not concur in the apprehension of the hon. and learned Member for Dublin, with respect to some recent cases, especially that of Misters. He (Mr. Sergeant Talfourd) was convinced that that criminal, though persisting in declaring his innocence to the last, was guilty of the crime for which he had been indicted. He was at Shrewsbury at the time of the trial, though not professionally, and there was no doubt on his mind that Misters was properly convicted, if not properly executed. There could be no doubt of the justice of the verdict; but in cases of that kind the sympathy of the public went with the sufferer, and not with the law; for if Misters had been sentenced to transportation for life, instead of to hanging, no one would have protested against the severity of his doom. The fact was, the punishment of death threw a sort of sanctity around the memory of the sufferer who was suddenly sent into eternity, and in the contemplations associated with the awful transit from this life into the other an interest was naturally created in behalf of the criminal. But such feelings would end with the capital punishment, and in most cases the operation of the law would be supported by the concurrence of the public.

Mr. *Ewart* said, if the legislature continued capital punishments, it would also continue that uncertainty which now gave a hope of impunity or acquittal to a criminal; whereas secondary punishments contributed to deter offenders by their certainty. From these feelings of humanity, and other causes which had been just alluded to, it appeared that executions, on the contrary, tended to a greater number of acquittals in subsequent cases. He begged leave to read to the House an interesting document drawn up by Mr. Wrightson, which would explain the relative effects of capital and secondary punishments. The hon. Gentleman read the following document:—

"PROOFS OF THE TENDENCY OF CAPITAL PUNISHMENT TO PRODUCE IMPUNITY.

"If the convictions for the following crimes, from the year 1810 down to the end of the year in which the law was mitigated in each case, had been in the same proportion to the commitments that they have been since, they would have exceeded the actual number convicted

by 215 for Forgery.
— 103 — Horse-stealing.
— 237 — Sheep-stealing.
— 363 — Stealing in dwelling-house.
— 29 — Coining.
— 423 — Housebreaking.
—1,101 — Robbery.
—1,064 — Burglary.
— 393 — Attempts to murder, &c.
— 168 — Arson and other wilful burning.
4,096 Total.

"The total number executed for the above crimes from the year 1810 down to the mitigation of the law was 1,242, so that every execution appears to have produced rather more than three acquittals. The executions for each crime separately were as follows;

Forgery	221
Horse-stealing	68
Sheep-stealing	74
Stealing in a dwelling-house	52
Coining	13
Burglary	308
Robbery	268
Attempts to murder, &c.	101
Arson and other wilful burning	104
Housebreaking	55
Total	1,264

If we compare the number executed for each crime with the additional number who would have been convicted if the juries had convicted in the same proportion 'before' as they have done 'since' the mitigation of the law, we shall arrive at the impunity produced by capital punishment in each particular case as follows:

"Forgery.—The executions were 221, and the impunity produced 215; so that every execution led to nearly one acquittal.

"Horse-stealing.—Executions 68, impunity produced 103; so that every execution led to more than one acquittal.

"Sheep-stealing.—Executions 74, impunity produced 237; so that each execution led to three acquittals.

"Stealing in a dwelling-house.—Executions 52, impunity produced 363; so that each execution led to seven acquittals.

"Coining.—Executions 13, impunity produced 29; so that each execution led to two acquittals.

"Burglary.—Executions 308, impunity produced, 1,064; so that each execution led to three acquittals.

Robbery.—Executions 268, impunity produced 1,101; so that each execution led to four acquittals.

"Attempts to murder, &c.—Executions 101, impunity produced 393: so that each execution led to nearly four acquittals.

"Arson, &c.—Executions 104, impunity produced 168; so that each execution led to more than one acquittal.

"Housebreaking.—Executions 55, impunity produced 423; so that each execution led to seven acquittals.

Thus it appeared, said the hon. Member, that facts and figures, as well as humanity, were against the noble Lord and the right hon. Gentleman, and he hoped, therefore, they might be induced to reconsider the conclusions they had come to.

Viscount *Dungannon* explained, and repeated his opinion that a farther mitigation of the capital code would be dangerous to the safety of life and property. As for the case of Misters, his noble Friend near him had been on the grand jury which found the bill against the prisoner, and it was quite impossible to come to any other decision, so strong was the evidence they had received. Great modifications had already been made in the punishment of forgery, stealing from dwelling-houses, sheep-stealing, horse-stealing. He rejoiced at the mitigation; but if this were extended to the malefactor who set a house on fire, or committed murder, or wounded with intent to kill, a most dangerous encouragement would be held out by the House of Commons to the desperate characters who infested the country.

Mr. *W. Roche* supported the clause, contending that the uncertainty of capital punishments encouraged desperate characters.

The Committee divided on the question that the clause as amended stand part of the bill.—Ayes 110; Noes 122: Majority 12.

List of the AYES.

Aglionby, H. A.
Alford, Viscount
Alston, R.
Archbold, R.
Bainbridge, E. T.
Baines, E.
Barron, H. W.
Barry, G. S.
Beamish, F. B.
Bethell, R.
Blackburne, I.
Blake, M. J.
Bodkin, J. J.
Bridgeman, H.
Briscoe, J. I.
Broadley, H.
Brotherton, J.
Bruges, W. H. L.
Buller, E.
Buller, Sir J. Y.
Castlereagh, Viscount
Cayley, E. S.
Chichester, Sir B.
Currie, R.
Dennistoun, J.
D'Eyncourt, rt. hn. C. T.
Divett, E.
Douglas, Sir C. E.
Duncombe, T.
Duncombe, hon. A.
Dundas, C. W. D.
Ellice, E.
Fielden, J.
Fenton, J.
Ferguson, Colonel
Fitzroy, Lord C.
Fitzroy, hon. H.
Fleetwood, Sir P. H.
Fort, J.
Godson, R.
Greig, D.
Hall, Sir B.
Hawes, B.
Hill, Lord A. M. C.
Hinde, J. H.
Hindley, C.
Hobhouse, T. B.
Hodgson, R.
Hoskins, K.
Hughes, W. B.
Hume, J.
Hutt, W.
Hutton, R.
Jones, J.
Langdale, hon. C.
Leader, J. T.
Lennox, Lord A.
Lister, E. C.
Litton, E.
Lushington, C.
Lushington, rt. hn. S.
Marsland, H.
Milnes, R. M.
Morris, D.
Muntz, G. F.
Murray, A.
Muskett, G. A.
Nagle, Sir R.
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
O'Connell, M.
Paget, Colonel
Pattison, J.
Pease, J.
Pechell, Captain
Plumptre, J. P.
Power, J.
Protheroe, E.
Rice, E. R.
Roche, E. B.
Roche, W.
Round, J.
Salwey, Colonel
Scholefield, J.
Smith, B.
Smythe, hon. G.
Stanley, hon. W. O.
Stansfield, W. R. C.
Strickland, Sir G.
Style, Sir C.
Talbot, J. H.
Talfourd, Mr. Serg.
Tancred, H. W.
Thornely, T.
Turner, E.
Villiers, hon. C. P.
Waddington, H. S.
Wakley, T.
Wall, C. B.
Wallace, R.
Warburton, H.
Ward, H. G.
White, A.
Wilbraham, G.
Williams, W.
Winnington, Sir T. E.
Winnington, H. J.
Wood, B.
Yates, J. A.

TELLERS.

Kelly, F.
Ewart, W.

List of the NOES.

Acheson, Viscount
A'Court, Captain
Adam, Admiral
Attwood, M.
Bagge, W.
Bagot, hon. W.
Baring, rt. hon. F. T.
Baring, H. B.

Barrington, Viscount
Bell, M.
Bewes, T.
Blake, W. J.
Botfield, B.
Bowes, J.
Brabazon, Lord
Brodie, W. B.
Bruce, Lord E.
Buck, L. W.
Buller, C.
Burrell, Sir C.
Busfield, W.
Byng, G.
Byng, rt. hon. G. S.
Calcraft, J. H.
Campbell, Sir J.
Clay, W.
Clive, E. B.
Clive, hon. R. H.
Collier, J.
Conolly, E.
Dalmeny, Lord
Darby, G.
Darlington, Earl of
Dunbar, G.
Eliot, Lord
Estcourt, T.
Evans, W.
Fellowes, E.
Ferguson, Sir R. A.
Fremantle, Sir T.
Gillon, W. D.
Gladstone, W. E.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Grey, rt. hon. Sir G.
Grimsditch, T.
Grosvenor, Lord R.
Guest, Sir J.
Hamilton, Lord C.
Harcourt, G. G.
Hawkes, T.
Hawkins, J. H.
Herbert, hon. S.
Heron, Sir R.
Hodgson, F.
Horsman, E.
Houldsworth, T.
Howard, hon. C.W.G.
Howick, Viscount
Hurt, F.
Ingestre, Viscount
Irving, J.
Kemble, H.
Law, hon. C. E.
Liddell, hon. H. T.
Lowther, hon. Col.
Lygon, hon. General
Mackenzie, W. F.
Mahon, Viscount
Marsland, T.
Martin, J.
Morgan, C. M. R.
Morgan, O.
Noel, hon. C. G.
Norreys, Lord
O'Ferrall, R. M.
Pakington, J. S.
Palmer, G.
Parker, J.
Parker, R. T.
Peel, rt. hn. Sir R.
Pigot, rt. hon. D.
Pinney, W.
Polhill, F.
Rawdon, Col. J. D.
Reid, Sir J. R.
Richards, R.
Rickford, W.
Rose, rt. hon. Sir G.
Round, C. G.
Rushbrooke, Colonel
Russell, Lord J.
Rutherfurd, rt. hn. A.
Sheil, right hon. R. L.
Sibthorp, Colonel
Slaney, R. A.
Smith, J. A.
Somerset, Lord G.
Somerville, Sir W. M.
Sotheron, T. E.
Stanley, hon. E. J.
Stanley, E.
Stanley, Lord
Steuart, R.
Stuart, W. V.
Stock, Mr. Serg.
Strutt, E.
Surrey, Earl of
Teignmouth, Lord
Townley, R. G.
Trotter, J.
Tufnell, H.
Vere, Sir C. B.
Vivian, rt. hn. Sir R. H.
Walter, J.
Wemyss, Captain
White, L.
White, S.
Wilbraham, hon. B.
Wood, C.
Worsley, Lord

TELLERS.

Dungannon, Viscount
Inglis, Sir R. H.

Clause rejected.

Clause 3 agreed to.

Clause 4, (Unnatural crimes, rape, &c.

"Any person convicted of any of the said offences not to be subject to the punishment of death, but to be transported beyond the seas for the term of the natural life of such person;—

Question being put,

Sir *C. Douglas* proposed the following addition:

"That in cases of rape, and of unlawfully and carnally knowing and abusing any girl under the age of 10 years,' whenever either of the said offences shall be committed by any two or more persons, and such person or persons shall be convicted of either of the said offences, such person or persons so convicted shall be subject to the sentence of death, and shall suffer death, as in and by the said statute of the 9th year of the reign of his late Majesty George 4th is provided."

The *Attorney-General* said, that that was a clause of great importance and very difficult to deal with. The offence of rape was the most atrocious crime in some cases, while in other cases, although the offence might be in a legal sense committed, no one would think of inflicting the capital punishment. He had devoted a great deal of his attention to the question to see if he could define a particular species of this offence, for which it would be right for the safeguard of society still to retain the capital punishment; but he had altogether failed in the attempt, and had come, therefore, to the conclusion, that it would be better to take away the punishment of death in all cases. He did not think the amendment now proposed would be of any avail; for it would still leave the offence undefined. Suppose a common prostitute violated without her consent by three or four men that would be rape in construction of the law; but no judge would leave that man, if convicted, for execution. He thought, therefore, that if they changed the law at all, they should abolish the punishment altogether.

Sir *R. Inglis* thought, that hon. Gentlemen should consider this question very seriously before they came to the conclusion which the hon. and learned Gentleman recommended by his example. What punishment would they think the ruffian deserved who should ill-use one of their daughters, or any one dear to them. The hon. and learned Member for Dublin had said, that long imprisonment was lingering death, and much more cruel in its effect than hanging? Would it not be more humane, then, to punish with speedy death than to protract the suffering of a culprit? He thought it would be better to let the law remain as it was; but if the House would not go to that extent with him, let them at least concur in the amendment of the hon. Member for Warwick.

Viscount *Dungannon* could not consent to the remission of the punishment of death in such cases. He would rather have it left to the discretion of the judges as to whether or not there were any circumstances calling for any deviation from the ordinary course.

Mr. *O'Connell* deprecated the system of leaving too much discretion, in case of life or death, in the hands of the judges. Such a system was apt to produce an impression on the mind of the public that a prisoner was left for execution, not because he was guilty, but because such or such a judge had tried him. He could not agree to the doctrine that in legislating for this offence they should proceed on those vindictive feelings which might naturally be supposed to actuate the relatives of the injured female. Prevention, not vengeance, should be the primary object of the House; and the best method of preventing the offence, and of saving the feelings of relatives, was to make conviction and punishment more certain. The committee would recollect the case of the gipsies, who, about four years since, were convicted of robbery, accompanied with great personal violence, near Monmouth, and sentenced to transportation. Their innocence was afterwards clearly proved, the real criminals being detected, and they were brought back at the expense of Government. If the conviction of these gipsies had taken place a few years further back, they would have been executed, and what, then, would have been the feelings of the jury, the judge, and all parties whose duty obliged them to take part in the proceedings? Though lengthened imprisonment was calculated to produce death, it had this advantage, that it left time for full inquiry and examination.

The Earl of *Darlington* thought the case under discussion was one of those which with the greatest propriety might be left to the discretion of the judge. He defended the character of the excellent and upright judge, who had been attacked that night by the hon. and learned Member for Dublin. In the case alluded to by the hon. and learned Member, he was one of the grand jury, and he believed no one could have been present at the trial without agreeing that a clearer case was never made out.

Mr. *Hobhouse* observed, that there was one point of view in which the question had not been looked at. In cases of robbery and violence, rendering the offending party liable to death, there was often an inducement to commit murder as a mode of getting rid of the chief, or perhaps the only, evidence. To do away with the punishment of death, therefore, would be to remove one very frequent cause of murder being committed.

Mr. *Godson* cited some cases to show the unwillingness of juries to convict persons indicted for commiting one offence in company; and also a case in which two men, after having been tried for a rape and acquitted, were tried for murder; and the prejudice which the former charge excited against them procured their conviction, and they were executed; but circumstances afterwards transpired which showed that they were innocent of the murder. He was one of the counsel in the case, and he had no doubt of their innocence. He should support the clause as it stood.

Lord *John Russell* said, if the House looked to the moral enormity of the offences proposed to be exempted from the clause, there could be no doubt that the more atrocious cases of the kind were as deserving of death as any crime; but if they looked at the great object of prevention, he was convinced that the commission of the offence would not be so effectually prevented by the present state of the law. The noble Lord, in allusion to one of the cases mentioned by Mr. Godson, said, that in one, where the crime had been perpetrated by three men, the judge had suggested that the Crown should interfere. In subsequent instances of the kind other judges had pursued the same course. This being the state of the case, and being likely to continue, he must express his opinion that merely retaining the punishment of death on the statute book, when that punishment was not likely to be inflicted, could not tend to prevent the offence, though it might operate to prevent conviction. He should vote against the amendment.

Sir *Robert Peel:* If the House was of opinion that the punishment of death in ordinary cases of rape should be done away with, inconvenience might arise from making any particular and specific exceptions. As to the distinction that had been drawn with respect to the possibility of reparation in one case, and of the impossibility of such reparation in the other, he did not attach much weight to that argument. He could not agree with his hon. Friend the Member for the University of Oxford, that they should reflect what their own feelings would be if any member of their families were suffering a grievous injury of the kind alluded to, or that they should bring their own indignation into play upon their legislation. The main consideration was what course should be taken which, upon the whole, was most calculated to prevent offences. If the House concurred in doing away with the capital punishment, he did not think they ought to enter into the specific circumstances, as to the perpetration of the offence by one individual or by many, for he considered that steps of prevention. not the moral enormity of the offence, should form the principal element of their legislation. He was not, however, satisfied of the policy of remitting the capital punishment in cases of rape. He could conceive cases where the offence was committed by members of the higher classes of society, for the gratification of the most brutal passions, where, if the punishment was remitted, public indignation might be so great that the House would find it expedient to retrace its course. Their object should be to carry public opinion along with them. He approved of the plan of gradually abolishing severe punishments. He would retain capital punishments for murder, for attempt to murder, and for rape, an offence which he considered involved not only the highest criminality but the greatest personal injury that could be sustained by that class of society the most likely to suffer, because they were the weakest, and who were therefore the more entitled to protection. The general argument against capital punishments was, that their effect was lessened by awarding them too indiscriminately. He thought that might be the case with respect to cases not marked by deep moral guilt. He did not think that the crime of rape was of frequent commission in this country, or that the expectation of acquittal by juries under the present law had been very frequently fulfilled. He admitted it to be a question of great difficulty, but, looking at the great criminality of the offence, and the irreparable injury inflicted on the victim, he was not prepared to remit capital punishment.

Mr. *C. Buller* said, there were no capital convictions which so little satisfied the public mind as those for rape, or in which doubts were so frequently expressed of the guilt of a prisoner after his execution. It was a great hardship to throw upon a judge the responsibility of the discretion which was at present given him. The Legislature should take that responsibility on themselves.

Captain *Polhill* was altogether opposed to the clause. He advised his hon. Friend to withdraw his amendment, and the question could be taken on the clause itself.

Sir C. Douglas consented. Amendment withdrawn.

The Committee divided on the question that the clause, as amended stand part of the bill:—Ayes 123; Noes 61—Majority 62.

List of the AYES.

Adam, Admiral
Aglionby, H. A.
Ainsworth, P,
Alston, R.
Archbold, R.
Armstrong, A.
Bainbridge, E. T.
Baines, E.
Barrington, Viscount
Beamish, F. B.
Bewes, T.
Bodkin, J. J.
Bowes, J.
Bridgeman, H.
Briscoe, J. I.
Brodie, W. B.
Brotherton, J.
Buller, C.
Campbell, Sir J.
Castlereagh, Viscount
Cavendish, hon. C.
Cayley, E. S.
Collier, J.
Currie, R.
Dalmeny, Lord
D'Eyncourt, rt. h. C.T.
Duncombe, hon. W.
Dundas, D.
Ellis, J.
Fielden, J.
Fenton, J.
Ferguson, Col.
Fitzroy, hon. H.
Fleetwood, Sir P. H.
Godson, R.
Gordon, R.
Greg, R. H.
Greig, D.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Hall, Sir B.
Harcourt, G. G.
Hayter, W. G.
Hill, Lord A. M. G.
Hindley, C.
Hobhouse, T. B.
Hodgson, R.
Hope, H. T.
Horsman, E.
Hoskins, K.
Hughes, W. B.
Hume, J.
Hutt, W.
Hutton, R.
Ingham, R.
Jervis, S,
Jones, J.
Kemble, H.
Leader, J. T.
Lennox, Lord A.
Lister, E. C.
Litton, E.
Lushington, C.
Mackenzie, T.
Marsland, H.
Marsland, T.
Maule, hon. F.
Milnes, R. M.
Moreton, hon. A. H.
Morpeth, Viscount
Morris, D.
Muntz, G. F.
Murray, A.
O'Brien, C.
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
O'Ferrall, R. M.
Parker, J.
Parnell, rt. hn. Sir H.
Pattison, J.
Pease, .
Pechell, Captain
Philips, M.

Plumptre, J. P.
Protheroe, E.
Pryme, G.
Rice, hon. E. R.
Roche, E. B.
Roche, W.
Round, J.
Rundle, J.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Salwey, Colonel
Scholefield, J.
Smith, B.
Stansfield, W. R. C.
Steuart, R.
Stuart, W. V.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Talfourd, Mr. Sergt.
Teignmouth, Lord
Thornely, T.
Tufnell, H.
Turner, E.
Vivian, J. H.
Vivian, rt. hn. Sir R. H.
Wakley, T.
Wallace, R.
Warburton, H.
Wilbraham, G.
Wilde, Sir T.
Winnington, Sir T. E.
Winnington, H. J.
Wood, C.
Wood, B.
Worsley, Lord
Wyse, T.
Yates, J. A.

TELLERS.
Kelly, F.
Ewart, W.

List of the Noes.

A'Court, Captain
Bagge, W.
Bentinck, Lord G.
Blake, W. J.
Botfield, B.
Broadley, H.
Bruges, W. H. L.
Bryan, G.
Burrell, Sir C.
Busfeild, W.
Butler, hon. Colonel
Byng, G.
Calcraft, J. H.
Clements, Viscount
Darby, G.
Darlington, Earl of
Douglas, Sir C. E.
Dugdale, W. S.
Duke, Sir J.
Dunbar, G.
Duncombe, hon. A.
East, J. B.
Egerton, Lord F.
Egerton, Sir P.
Fellowes, E.
Fort, J.
Gisborne, T.
Gladstone, W. E.
Graham, rt. hn. Sir J.
Hawkins, J. H.
Herries, rt. hon. J. C.
Hinde, J. H.
Hodgson, F.
Howard, P. H.
Ingestre, Viscount
Langdale, hon. C.
Law, hon. C. E.
Liddell, hon. H. T.
Mackenzie, W. F.
Morgan, C. M.
Morgan, O.
Noel, hon. C. G.
Palmer, G.
Parker, R. T.
Patten, J. W.
Peel, rt. hon. Sir R.
Polhill, F.
Richards, R.
Rickford, W.
Rushbrooke, Colonel
Seale, Sir J. H.
Shaw, rt. hon. F.
Sibthorp, Colonel
Slaney, R. A.
Somerville, Sir W. M.
Stanley, E.
Stanley, Lord
Trevor, hon. G. R.
Trotter, J.
Ward, H. G.
Wilbraham, hon. B.

TELLERS.
Inglis, Sir R. H.
Dungannon, Viscount

Clause agreed to.

On the 5th Clause (administering poison, wounding with intent to murder):—

"Any person convicted of any of the said offences, not to be subject to the punishment of death, but to be liable to be transported for the term of the natural life of such person, or for any term not less than seven years, or to be imprisoned for any time not exceeding three years."

Lord *J. Russell* said, there could be no second opinion as to the atrocity of the offence, or as to its being deserving of the most severe punishment. The only question to be considered was, as to the alleged repugnance of juries to convict. For his own part, he could not find that any repugnance existed which was likely to prevent a verdict of "guilty" in cases of attempt to murder which had been supposed; for, in the year 1839, the number of persons committed for trial for offences of that kind were thirty-four, out of whom twenty-two were convicted and twelve only were acquitted, whilst in the same year there were forty-six persons committed for trial for murder, of whom as many as thirty-three were acquitted, and only thirteen convicted. On that account he did not think it necessary, on the point involved in the clause, to alter the present law.

Mr. *F. Kelly* had hoped to have the noble Lord's concurrence, especially after having heard him say that the enormity of criminality was not to be considered so much as the best means of deterring the evil-disposed from its perpetration. He with equal regret and surprise, perceived that principle was lost sight of in the speech of his right hon. Friend, the Member for Tamworth. The principle of all punishment should be to prevent crime. The clause exempted all attempts short of murder from capital punishment. The question then was, whether the abolition of capital punishment left society with a sufficient protection. The knowledge that the capital punishment would not be inflicted, would in his opinion, prevent the commission of murder, while the knowledge that it existed for the attempt to kill as well as the act itself, would be no doubt, in most instances, an inducement to the crime. Therefore, there was all the protection possible for society in the clause, while the capital punishment was inflicted for murder. But there was another ground in favour of the clause—namely the uncertainty of conviction, and the uncertainty of execution. Of forty-five indictments preferred for the crime in question during the last three years, only twenty procured a conviction; and of this twenty only two were executed—or one in ten. Therefore it was clear, that certainty of conviction and certainty of punishment was not obtained under the law as it stood; and the natural inference followed, that the ends of punishment were defeated. And yet the case was not where there was the greatest difficulty to get juries to convict. He, however, believed, that from henceforward the law in this respect would be still more inoperative, in consequence of the practice of framing indictments with two counts — the capital and the minor—introduced in 1837, and the inclination juries had always manifested to acquit on the one, and convict only on the other—the lesser offence of aggravated assault. He was of opinion, however, that to suffer the punishment of death to remain for the offence, would be to create uncertainty in the minds of men, and thus lead to the commission of crime without the certainty of conviction. It was on those grounds that he proposed the clause.

Viscount *Dungannon* could not see the justice or the propriety of permitting the man who deliberately attempted murder to escape the severest punishment that could be inflicted by the law. He could not comprehend the distinction between the attempt, with the intention to kill, and the successful issue of that attempt, and he should therefore oppose the clause.

Mr. *Monckton Milnes* supported the clause, because he believed that capital punishment should be reduced to the *minimum* consistent with the safety of the public.

Sir *R. Inglis* objected to the clause being debated on the ground of expediency rather than on that of morality. He could not agree with the principle that the sole end of punishment should be to deter from crime. Those who argued that because juries would not convict for capital crimes capital punishment should be abolished argued from one abuse to another. In his opinion, such a circumstance was not sufficient to justify the alteration proposed in the law. He would give the public a stronger and a higher sense of the obligation of an oath or a declaration, and then there would be no more preference on the part of juries of theoretical opinions to the dictates of conscience. He called on the House, therefore, not to prostitute the law to the theoretical scruples of juries, and he should, under the circumstances, oppose the clause.

Mr. *Law* was surprised at the charge made against juries by implication in the observations of the hon. and learned Mover of the clause. He, in a twenty years' experience, had known very few instances of indisposition on the part of juries to convict upon sufficient evidence, and it was to the judge the interposition in favour of the prisoner was chiefly owing, when reason for it existed. He did not concur in that or in the other argument on which the clause was grounded, and he should, therefore, not support it.

Mr. *Brotherton* thought the House should not lightly recognize the principle, that the object of the law was the punishment, and not the prevention, of crime. He declared it to be his opinion, that man had no right to take the life of man, and that the sacred precepts as strongly condemned the executioner as the murderer.

Viscount *Mahon* said, that the prerogative of the Crown had been always sufficient to provide for secondary punishment when it was shown to be necessary, and therefore there existed no good reason for the abolition of capital punishment. Supposing the case of a man who, having been convicted of wounding with intent to murder, perpetrated a second offence of the same nature against his gaoler. How would the hon. and learned Gentleman deal with that case? The highest secondary punishment having been inflicted for the first offence, the law could inflict no additional punishment for the second. On the ground that there were many cases which could not be properly dealt with if the punishment of death were abolished, he was willing to leave that punishment on the statute books, trusting for any necessary mitigation of it to a wise exercise of the prerogative of mercy.

Mr. *Slaney* thought, that the apprehension of death was a powerful motive to deter men from the commission of crime, but in inflicting it he would distinguish between such as were perpetrated for the sake of gain, and such as were the result of violent passions, visiting the latter much more severely than the former.

Mr. *Elliot* could not understand upon what principle they distinguished between murder and an attack with intent to murder. Would they keep the prisoner waiting for his trial till they ascertained whether the victim would die? Would they try a man to day for the minor offence, when the next day his crime might be murder? He should certainly vote against the clause.

The Committee divided on the question, that the clause as amended stand part of the bill:—Ayes 75; Noes 83: Majority 8.

List of the Ayes.

Aglionby, H. A.
Ainsworth, P.
Alston, R.
Archbold, R.
Beamish, F. B.
Blewitt, R. J.
Bridgeman, H.
Briscoe, J. I.
D'Eyncourt, rt. hon. C. T.
Douglas, Sir C. E.
Duke, Sir J.
Dunbar, G.
Ellis, J.
Ewart, W.
Fielden, J.
Fenton, J.
Fleetwood, Sir P. H.
Fort, J.
Gisborne, T.
Godson, R.
Greig, D.
Grosvenor, Lord R.
Hayter, W.G.
Hector, C. J.
Hill, Lord A. M. C.
Hindley, C.
Hobhouse, T. B.
Hodgson, F.
Hodgson, R.
Hoskins, K.
Hughes, W. B.
Hume, J.
Ingham, R.
Jervis, S.
Jones, J.
Langdale, hon. C.
Leader, J. T.
Lennox, Lord A.
Lister, E. C.
Litton, E.
Marsland, H.
Milnes, R. M.
Moreton, hon. A. H.
Morris, D.
Muntz, G. F.
Muskett, G. A.
O'Brien, C.
O'Brien, W.
O'Connell, J.
Pattison, J.
Pease, J.
Pechell, Captain
Pryme, G.
Rice, hon. E. R.
Roche, W.
Round, J.
Rundle, J.
Salwey, Colonel
Scholefield, J.
Seale, Sir J. H.
Smith, B.
Stansfield, W. R. C.
Stuart, W. V.
Style, Sir C.
Talfourd, Mr. Serg.
Thornely, T.
Vivian, J. H.
Wakley, T.
Warburton, H.
White, A.
Wilbraham, G.
Williams, W.
Winnington, Sir T. E.
Wood, B.
Yates, J. A.

TELLERS.

Kelly, F.
Brotherton, H.

List of the Noes.

Abercromby, hn. G. R.
Adam, Adm.
Bailey, J.
Bewes, T.
Blake, W. J.
Blennerhassett, A.
Botfield, B.
Broadley, H.
Brodie, W. B.
Bruges, W. H. L.
Bryan, G.
Buller, Sir J. Y.
Busfeild, W.
Campbell, Sir J.
Clay, W.
Clements, Viscount
Clive, hon. R. H.
Collier, J.
Dalmeny, Lord
Darlington, Earl of
Dugdale, W. S.
Dungannon, Viscount
East, J. B.
Egerton, W. T.
Egerton, Lord F.
Elliot, hon. J. E.
Evans, W.
Farnham, E. B.
Ferguson, Sir R. A.
Glynne, Sir S. R.
Goulburn, rt. hon. H.
Greg, R. H.
Hawkins, J.
Heathcoat, J.
Hinde, J. H.
Hobhouse, rt. hn. Sir J.
Howard, P. H.
Hutton, R.
Kemble, H.
Knatchbull, rt. hon. Sir E.
Law, hon. C. E.
Liddell, hon. H. T.
Lynch, A. H.
Mackenzie, T.
Mackenzie, W. F.
Mahon, *Viscount*
Marsland, T.
Morgan, O.
Morpeth, Viscount
Morrison, J.
O'Ferrall, R. M.
Palmer, G.
Parker, J.
Parker, R. T.
Parnell, rt. hn. Sir H.
Patten, J. W.
Philips, M.
Pigot, rt. hon. D.
Polhill, F.
Rae, rt. hn. Sir W.
Richards, R.
Rickford, W.
Rushbrooke, Colonel
Russell, Lord J.
Rutherfurd, rt. hn. A.
Shaw, right hon. F.
Sibthorp, Colonel
Slaney, R. A.
Somerville, Sir W. M.
Stanley, E.
Stanley, Lord
Strutt, E.
Teignmouth, Lord
Tufnell, H.
Vivian, rt. hn. Sir R. H.
Ward, H. G.
Wemyss, Captain
Wilbraham, hon. B.
Wilde, Sir T.
Wodehouse, E.
Wood, G. W.
Wood, Colonel T.
Wyse, T.

TELLERS.

Maule, hon. F.
Inglis, Sir R. H.

Clause rejected.

On the 6th Clause (burglariously breaking and entering any dwelling house and assaulting, with intent to murder, any person being therein, and stabbing, cutting, wounding, beating, or striking such person):—

"Any person convicted of any of the said offences not to be subject to the punishment of death, but to be liable to be transported for the natural life of such person, or for any term not less than seven years, or to be imprisoned for any term not exceeding three years."

Lord *John Russell* said, that he could not agree to that clause either. The law as established four years ago drew a distinction between burglary with violence to the person, and many offences amounting to burglary which were comparatively of a trifling nature, but all of which had been indiscriminately punished with death. The consequence was, that in more than 300 cases of all that had occurred the punishment of death had not been inflicted, and, indeed, there were very few in which it had. Within the last year seven persons had been tried for that offence, but of them four had been convicted—a sufficient proof that this was not one of that class of offences in which juries had exhibited a reluctance to convict. He need not enlarge upon the heinous nature of the offence—breaking into a house in the dead of the night and committing violence upon the inmates. At first the abolition of the capital punishment might not increase the amount of crime, but he was by no means sure that they could reckon upon that as a permanent effect. Times might come when distress or other causes might produce a great deal of crime, and when, in order to arrest the course of that crime, it might become necessary to inflict the punishment of death. He had heard nothing to persuade him that the fear of death was not likely to deter men from the commission of crime—of course, if the punishment was not to be inflicted it would not deter, but, if it were, the argument that it would not deter men from committing crimes seemed to him a refinement incompatible with all their experience.

Mr. *Kelly* agreed with the noble Lord as to the heinous nature of the offence, and should be the last man to make any proposal which, in his opinion, could diminish that protection which the community had a right to expect from the law; but he proposed this measure because it would rather increase than diminish that protection. He would not repeat the arguments which he had before urged, and which had not been answered by the noble Lord; but he begged to point out to the noble Lord the evidence of a determination on the part of the people to make considerable advances on this subject: that was to be found in the decision which had taken place to-night, when the whole weight of the Government had only been sufficient in rather a full House to obtain a majority of 122 over 110. He entreated the House to consider whether by continuing these punishments it would not increase and extend crime.

Mr. *Ewart* believed that there had been no execution during the last three years for this kind of offence, and the consequence was, that juries were willing to convict, acting upon the belief that the capital punishment would not be inflicted.

Viscount *Dungannon* believed that juries paid a little more regard to their oaths than the hon. Member gave them credit for. His objection was as strong to this clause as to the one which preceded it. Midnight burglary was one of the most heinous offences, and he could not understand how this mistaken philanthropy would afford the community protection against it.

Mr. *Hume* said, that, in his support of this measure, he was actuated by no false philanthropy—but he was convinced that, by making men accustomed to blood, they also made them more regardless of shedding it; they made them brutes, and then they complained that they were brutes. The noble Lord opposite had given no answer to the remark of the hon. Member for Wigan. The question was, not what juries ought to do, but what they did do? Had the noble Lord never heard of juries finding that 7*l.* 10*s.* 6*d.* of the current coin of the realm was less than 40*s.*; because, if the sum were above that amount the crime became capital? Many such instances had occurred, and would again, unless the degree and nature of punishment were adapted to the state of feeling in the community. Numerous executions did not prevent crime; let the House look to the result of the amelioration of the law which took place in 1833 as to burglary. In the six years ending December, 1832, fifty-six persons had been executed for that crime; and in the six years ending December, 1838, three persons had been executed; and during the former period there had been 5,199 committals, whilst during the latter there had only been 4,621. And the same was the effect throughout the whole catalogue of crimes. He agreed in the observation of the hon. and learned Member, that if the independent voice of the House had been taken on a former clause it would have been carried, but the votes of the Treasury bench had turned the scale.

The Committee divided on the question that the clause as amended stand part of the bill:—Ayes 73; Noes 100: Majority 27.

List of the AYES.

Aglionby, H. A.
Ainsworth, P.
Alston, R.
Archbold, R.
Barry, G. S.
Blewitt, R. J.
Bridgeman, H.
Briscoe, J. I.
Brotherton, J.
Bruges, W. H. L.
Dennistoun, J.
Douglas, Sir C. E.
Duke, Sir J.
Eliot, Lord
Ellis, J.
Fielden, J.
Fleetwood, Sir P. H.
Fort, J.
Gisborne, T.
Grosvenor Lord R.
Hayter, W. G.
Hill, Lord A. M. C.
Hinde, J. H.
Hindley, C.
Hobhouse, T. B.
Hodgson, R.
Hollond, R.
Hoskins, K.
Hughes, W. B.
Hume, J.
Hurt, F.
Ingham, R.
Jervis, S.
Jones, J.
Kemble, H.
Langdale, hon. C.
Leader, J. T.
Lennox, Lord A.
Lister, E. C.
Lynch, A. H.
Mackenzie, T.
Marsland, H.
Milnes, R. M.
Morris D.
Muntz, G. F.
Muskett, G. A.

O'Brien, W. S.
O'Connell, J.
Pattison, J.
Pease, J.
Pechell, Captain
Price, R.
Pryme, G.
Rice, hon. E. R.
Round, J.
Salwey, Colonel
Scholefield, J.
Smith, B.
Stanley, E.
Stansfield, W. R. C.
Stuart, W. V.
Style, Sir C.
Talfourd, Mr. Serg.
Tennent, J. E.
Thompson, Mr. Ald.
Thornely, T.
Vivian, J. H.
Wallace, R.
Warburton, H.
White, A.
Williams, W.
Winnington, Sir T. E.
Wood, B.

TELLERS.
Ewart, W.
Kelly, F.

List of the NOES.

Abercromby, hn. G. R.
A'Court, Captain
Adam, Admiral
Armstrong, A.
Bailey, J.
Bellew, R. M.
Bewes, T.
Blackburne, I.
Blake, W. J.
Botfield, B.
Bramston, T. W.
Broadley, H.
Brodie, W. B.
Bryan, G.
Buller, Sir J. Y.
Busfield, W.
Campbell, Sir J.
Clay, W.
Clements, Viscount
Clive, hon. R. H.
Collier, J.
Dalmeny, Lord
Darlington, Earl of
D'Eyncourt, right hn. C. T.
Dugdale, W. S.
Dungannon, Viscount
Egerton, W. T.
Egerton, Lord F.
Elliot, hon. J. E.
Evans, W.
Farnham, E. B.
Fellowes, E.
Ferguson, Sir R. A.
French, F.
Gladstone, J. N.
Glynne, Sir S. R.
Gordon, R.
Goulburn, rt hon. H.
Greg, R. H.
Grey, rt. hn. Sir G.
Grimsditch, T.
Hawkes, T.
Hawkins, J. H.
Hayes, Sir E.
Heathcoat, J.
Hector, C. J.
Hobhouse, rt. hn. Sir J.
Houldsworth, T.
Houstoun, G.
Howard, hon. E. G. G.
Howard, P. H.
Hutton, R.
Inglis, Sir R. H.
Knatchbull, right. hn. Sir E.
Law, hon. C. E.
Liddell, hon. H. T.
Lygon, hon. General
Mackenzie, W. F.
Maunsell, T. P.
Miles, P. W. S.
Morgan, O.
Morpeth, Viscount
Morrison, J.
Noel, hon. C. G.
O'Brien, C.
O'Ferrall, R. M.
Packe, C. W.
Pakington, J. S.
Palmer, G.
Parker, R. T.
Parker, J.
Parnell, rt. hn. Sir H.
Patten, J. W.
Philips, M.
Philips, G. R.
Pigot, right hon. D.
Polhill, F.
Praed, W. T.
Rae, right hn. Sir W.
Richards, R.
Rickford, W.
Round, C. G.
Rumbold, C. E.
Rushbrooke, Colonel
Russell, Lord J.
Rutherfurd, rt. hn. A.
Seale, Sir J. H.
Sheil, rt. hon. R. L.
Sibthorp, Colonel
Smith, R. V.
Somerset, Lord G.
Strutt, E.
Teignmouth, Lord
Vere, Sir C. B.
Vivian, rt. hn. Sir R H.
Wilbraham, G.
Wilbraham, hon. B.
Wilde, Sir T.
Wood, Colonel T.
Yates, J. A.

TELLERS.
Mahon, Viscount
Maule, hon. Fox

Clause rejected.

Mr. *F. Kelly* then said, that he should not proceed farther with the bill at present. He had introduced it with no other intention than that of ameliorating the criminal laws of the country, and he thought it due to the many hon. Gentlemen who had supported him to say that, had it not been opposed in its principal clauses by the whole weight of the Government, he should have been enabled to carry it. But when he found the public opinion, and the opinion of so many hon. Members in the House, were opposed by the whole power of Government, it would be vain for him to continue, and he felt that he would best consult the convenience of the House and the interests involved in the bill itself by not proposing to carry it further that evening. The noble Lord had himself brought forward a bill for the amendment of criminal punishment, in which in some cases capital punishment was abolished. Should the noble Lord go on with that bill with the expedition which he had it in his power to command, and use that influence which would show a prospect of its being carried immediately, he should not further trouble the House with his present bill. Although the Government would not thus go the length which he could wish, they would still do much. He should beg leave to move, that the Chairman report progress.

Mr. *Aglionby* begged to remind the hon. and learned Gentleman, that it was from that the Ministerial side of the House that the bill had been supported, and that it had met its opposition from the other side. He hoped that, under some Government, a bill carrying out the full principle of the hon. and learned Member, would be made the law of the land.

Mr. *Kelly* said, the hon. Member had mistaken him, if he thought that he was not conscious that he had received the warmest and most effective support from the other side of the House. He felt that if the bill, or any similar bill, should ever be brought into that House, it would be at least supported by a great majority of those who sat on the other side of the House.

Lord *J. Russell:* I cannot but think

that it was my duty, as a Member of the Government and as Secretary of State, taking a great part in the administration of the criminal laws, and who had some part in the amendment of the criminal laws, to state my opinion of the general propositions made by the hon. and learned Gentleman which to me went to justify me in supporting them, after the best judgment I could form upon them. In so far the hon. and learned Gentleman has no right to complain of me. He has no right to complain either of my influence upon the Gentlemen of this side of the House, for the support he had received was from this side, while my views were supported by Gentlemen opposite. But this question has, in fact, been as fairly debated in this House as it could be expected. It is my intention to go on with the bills which I have introduced, and as the hon. Gentleman will not proceed with this further at present, I shall lose no time in going on with mine. I understand that the chief points of the bill have been agreed to.

Sir *R. H. Inglis* said, it would never have entered into any other person's head than that of the hon. Member for Cockermouth, to think of this bill as a party question.

House resumed.

The Chairman reported progress, committee to sit again.

CRIMINAL JUSTICE BILL.] On the motion of the *Attorney General*, the House went into committee on the Criminal Justice Bill.]

Upon the first clause,

Mr. *Wilson Patten* had resolutions to propose relative to the corporation of Manchester, which he wished to explain. A contest had been going on in Manchester with reference to the validity of the charter of incorporation, and he, although unconnected with the town, had been asked to arbitrate between the contending parties. He had consented to do so, when his attention was called to this bill, and it was suggested to him that the fairest mode would be, not to oppose the bill, but to get inserted in it clauses embodying the principle of his arbitration. In that way he had undertaken the clauses which he now wished to have inserted. In the first clause he should propose to confirm the charter of incorporation and the commission of the peace, and the grant of a separate Court of Quarter Sessions of the Peace; and that the costs of obtaining or opposing such grants should be paid by both sides. The other clauses would be to grant compensation to three officers, the coroner, the clerk of the peace, and the clerk of the town of Manchester. The only argument he had heard against the compensation to the coroner was, that the corporation had advertised for a coroner, and he was coroner previous to the Corporation Act being applied. It was said, that he was therefore out of the pale. The hon. Member further observed, that the Gentleman for whom he was desirous of obtaining compensation, had held the office of clerk to the magistrates for thirty-five years—under magistrates of all parties and politics, and he would still have been in that office, had it not been for the granting of the new charter of incorporation to Manchester. He could say much, too, were it necessary to do so, of the good private character of that Gentleman. He had it also in his power to say, that lawyers of considerable eminence had given a very decided opinion, that though these cases might not come under the Corporation Act, yet that they comprised the strongest claim to compensation. He (Mr. Patten) was anxious to set himself right with the hon. Member for Manchester, whom he then saw before him, with respect to what had been said of his having unnecessarily put himself forward in this matter, and meddled with cases which did not come under his province to interfere with. The fact was, that he was one of those to whose arbitration it had been agreed to leave the subject, the council of the corporation, as he understood, having agreed, should the decision be favourable to the claim, to give compensation. Indeed, he had been at last asked by both parties to bring the question forward, and had consequently done so. He therefore trusted the House would consent to the clauses he had to propose.

The hon. Member concluded by proposing the two following clauses:—

"And whereas, questions are pending as to the validity of the charter of incorporation granted to the mayor, aldermen, and burgesses of the borough of Manchester, in pursuance of the said act of the 6th year of the reign of his late Majesty, or of some subsequent act, be it declared and enacted, that the said charter of incorporation, and also the commission of the peace, and grant of a separate court of quarter sessions of the peace, issued or granted to the said borough, and all acts and proceedings done or had in pursuance thereof, shall be deemed good and lawful from the time of such grant, acts, and proceedings, and that all costs and expenses which have been incurred before the passing of this act in and about the obtaining, establishing, or opposing any such grant, act, or proceeding, or in or about the holding of any inquest by any coroner within the said borough, or all costs already incurred, or to be hereafter incurred, in or about the prosecution, conveyance, or maintenance of any persons having committed any offences within the said borough by the said corporation, or person or persons whomsoever, shall be paid and discharged by the council of the said borough, and out of a rate to be made assessed, and levied for that purpose by the council of the said borough, in the nature of a borough-rate or otherwise, as the said council shall think fit, which rate may be recovered in the same manner as any borough-rate is recoverable under the said act of the 6th year of the reign of his late Majesty, or under any subsequent act framed for the amendment thereof, such costs and charges, without prejudice to any contract respecting the maintenance of prisoners, being ascertained and settled in each case by the recorder of the borough.

"And whereas, by reason of a grant of a charter of incorporation to the borough of Manchester, the coroner for the county palatine of Lancaster, acting within the division of Manchester, the clerk of the peace for the said county palatine, and the clerk of the justices of the peace appointed under an act passed in the 53rd year of the reign of King George the 3rd, for the more effectual administration of the office of a justice of the peace, and to the other justices of the peace acting within the said division of Manchester, have been deprived of their fees and emoluments arising from their respective offices within the said borough, and it is expedient that compensation be therefore made to them in like manner as if they had been officers of a borough before the passing of the said act of the 6th year of the reign of his late Majesty, who were removed from their offices under the provisions of that act; be it therefore enacted, that the said coroner, and clerk of the peace, and clerk to the justices shall be entitled to have an adequate compensation, to be assessed by the council, and paid out of the borough fund of the said borough, for the fees and emoluments of their several offices arising within such borough, and that all provisions of the said act of the 6th year of the reign of his late Majesty relating to the claim of any corporate officer for compensation, on account of being removed from his office, and to the manner of securing and determining the amount of such compensation, shall apply, except as hereinafter provided, to the said coroners, clerk of the peace, and clerk to the justices; provided always, that the statement to be delivered to the town-clerk by each such officer shall set forth the amount of the fees and emoluments in respect whereof he shall claim compensation during five years next preceding the grant of the charter of incorporation to the borough respecting which such claim is made, and that, in estimating the amount of compensation, each of the said officers shall be deemed to have held his office for the term of his life."

Mr. *M. Philips* disclaimed any imputation against the hon. Gentleman of having brought these cases forward on frivolous grounds, and that was not what he rose to complain of. What he complained of was, that the hon. Gentleman should have paid too much attention to communications which had been made to him subsequently to the periods to which he had referred. He had presented many petitions to that House against these claims, and the strongest which he had presented had been drawn up by a gentleman who was of decidedly conservative opinions. The case was now in this state—its opponents were absolutely asked to be bought off by a sum of money to be paid by the ratepayers of Manchester, in order to prevent the corporation question from going before the House of Lords. He could not speak in too strong terms of the petition which had been got up by the anti-corporators, out of all the signatures to which only 6,000 had been found to be genuine. He considered, then, that the ratepayers of the borough would be very forgetful of what was due to themselves if they were to be led into paying the money which they were called on to pay by the clauses brought forward by the hon. Member. The ratepayers had had immense expenses to encounter, and they were now called upon to make further sacrifices by the payment of money in quarters in which they were not bound to pay it. He had lately been at Manchester, and he had not met with a single individual who did not deprecate the idea of such clauses as those now proposed to be inserted in the bill before the House. The borough of Manchester would rather go on as it now did, and remain without a court of quarter sessions, and he must confess he had rather see that alteration than that it should petition Parliament in favour of those claims; and it was worthy of remark, that one of the gentlemen with whom the hon. Member had been in consultation upon the subject was a gentleman who was himself personally interested in the question, and ought not, therefore, to have ventured to give the advice he had. Besides, it was notorious, that the gentleman who claimed compensation as town-clerk of Manchester had, some years ago, when a bill had been brought forward in that House, the object of which was to give stipendiary magistrates to that borough, tried his utmost to have his own name inserted as clerk to the magistrates for life. That attempt was, however, rejected at the time, but it certainly was one which ought to be mentioned, in connexion with the present efforts to compensate that gentleman, as an additional argument against the propriety of doing so. With regard to the bill of the hon. and learned Attorney-general, they might throw it out if they thought proper to do so, for there certainly could not be supposed to be any particular desire on the part of the ratepayers of Manchester to have thrown on their shoulders expenses which would be the consequence of the measure. But the ratepayers were honourable men, and had no wish to throw upon others the burdens to which they would themselves be exposed. They would discharge their duties like honest men, but, he was sure, they would never consent to be bullied into an arrangement to which they had no right to be expected to consent. The gentleman who had had the door shut against him as coroner had no one but himself to blame for the position in which he found himself, and he had done himself great injury by the course he had since taken, by holding double inquests, and pursuing a vexatious course. If all parties in the position of those who made these claims, were to come forward and ask for compensation, it would be establishing a precedent for all other towns which might hereafter find it necessary, that they should have their courts held more frequently than they were under their present system. Besides, if it was so necessary, that these officers should be compensated, why was it that some few years ago, the deputy-constable of Manchester had not been compensated when he was obliged to give up his office from infirmity, and was left in a destitute state? With regard to the charter of the corporation of Manchester, the judges had decided it to be a good one, and it would be most unjust to a great community such as that of the town he had the honour to represent, to attempt to saddle them with the consequences of clauses like those now proposed, and with the introduction of which the rate-payers had nothing whatever to do. With respect to what had been elsewhere said of a compromise having been desired on their part upon the subject, all he could say was, that the greatest misrepresentations had gone abroad upon the matter, and the council and the rate-payers had never entertained any such desire. He hoped, therefore, these clauses would be withdrawn, or if not, that the committee would reject them.

Mr. *W. Patten* observed, that whereas it had been said, that the corporation had had nothing to do with the recommendation of these clauses, it was a member of the corporation, and a rate-payer, who had called upon him at his own house, upon the subject of them.

Mr. *Mark Philips* asserted, that no member of the corporation had ever been authorised by that body to make any application to any one in favour of the objects of the hon. Gentleman's clauses.

The *Attorney-General* said, that this was a public bill, and the object of it was to enable the borough, without having a gaol, to contract with the adjoining county for the maintenance of its prisoners. It gave the borough the power to do that, and to build one for itself if it thought proper to do so, providing for the rate which was to pay for it. But certain clauses were now proposed to be inserted in a public bill, which were intended only to apply to Manchester, and which would not apply to Birmingham, for instance, or to other places. He must, therefore, give such clauses his opposition. And he hoped the committee would let the bill pass in the shape in which he had introduced it, because it would thus allow the quarter sessions to proceed with the necessary business, and the counties of Lancaster and Warwick to be relieved from burdens from which they ought to be liberated.

Mr. *Cresswell* trusted, that the House would not pass the bill without providing compensation for the officers who would have lost their places by the incorporation of Manchester, and thereby carry out the principle of the Municipal Reform Bill. With regard to the charter itself, the opinion of the judges had certainly been given, but it had not been given on the main question connected with that subject, which, be the fault where it might, in that he expressed no opinion, had never been brought before them. Let the committee suppose for a moment, that the case before them had been that of an office in any other town, and the holder of it had been deprived of it by the operation of the Municipal Reform Bill, would not the officer, in such case, be entitled to compensation? Would it not be injustice then, to deprive an officer of a borough of compensation under a bill which carried out the principle of that measure? When a charter was granted which took away his office, would they deprive him of the power of bringing his action to try his right and title to compensation for his loss? That House would never, he was sure, reconcile itself to such an act of injustice, when it had allowed compensation in cases which arose under the Municipal Corporation Reform Bill. If the corporation had wanted to avoid compensating the coroner, they should have made him, at least, a tender of continuance in the office he held. But, because, forsooth, the coroner of Manchester would not consent to ask the new corporation of that borough to continue him in his office, therefore, he was to be deprived of it, and without compensation! He trusted, however, that the House would not pass this bill without including compensation in its provisions. It was said there was a coroner for Bolton, and a coroner for Birmingham also, but was that any ground why the coroner for Manchester should not be compensated because the other coroners were not? If so, the Attorney-general was bound to bring in a bill to provide for their compensation also, and if the hon. and learned Gentleman, or some other Member should do so, he would certainly give it his support. The hon. and learned Member concluded by urging on the committee the propriety of making no exception as to the cases included in the proposed clauses.

Mr. *C. Buller* said, that hon. Gentlemen seemed to be discussing anything but the clause really under consideration; and, with respect to that clause, he thought it the summit of human impudence. It was neither more nor less than an offer of compromise by the parties opposed to the corporation of Manchester, and went the length of saying, that if the whole of their expenses were paid, they would terminate all further litigation, and this notwithstanding they had been defeated at *nisi prius*, in the Queen's Bench, and before the Exchequer Chamber. He trusted, however, that the House would not sanction a proposition at the same time so impudent and preposterous.

Mr. *Cresswell* denied that there had been any decision by the Court of Queen's Bench or Exchequer Chamber, in favour of the charter of the corporation of Manchester, because the Judges had, in point of fact, decided nothing.

The *Attorney-General* said, that the matter had been fully argued, both by his hon. and learned Friend and himself before the Exchequer Chamber, and that although his hon. and learned Friend had raised a score of objections, they were all over-ruled by a majority of the judges present. The parties, it was true, might appeal to the House of Lords; but their doing so would be fruitless.

Mr. *Creswell* would not say what the House of Lords might or might not do, but this he would say, that although the matter had been argued in the Exchequer Chamber, owing to the form of the bill of exceptions to the ruling of the judge at *nisi prius*, the judges in the Exchequer Chamber declined to give any opinion.

Mr. *W. Patten* withdrew the first clause, and proposed to take the sense of the House on the second or compensation clause.

Mr. *Wakley* supported the claim of the coroner to compensation, and said, that if public officers, elected by the people for life, were to be deprived of their offices without redress of any kind, great injustice would be inflicted. If this were liberty, all he could say was, that the less they heard of it the better. He would suggest to the hon. Gentleman who moved the clause, whether it would not be better to make distinct propositions of each case, and propose that of the coroner first.

Mr. *W. Patten* said, he should be glad to adopt the suggestion, if he could do so, but he feared he could not.

Mr. *M. Philips* said, that he was quite willing to entertain the case of the coroner, but with respect to the other cases, he would give them his strenuous opposition.

Mr. *W. Patten* was perfectly ready to go *seriatim* through the case, and to commence with that of the coroner, provided the House allowed the clause to be read a second time.

Mr. *Aglionby* knew nothing of the

merits of the cases of these parties, but he thought the better way would be to introduce a general clause for compensation, and leave it to another tribunal to decide upon the claims of each party. This was the course adopted under the Corporation Reform Bill. At present, he was not in a situation to vote in either way.

The *Chancellor of the Exchequer* said, in several cases where additional coroners had been appointed, the Treasury decided that the old coroner was not entitled to compensation.

The *Attorney-General* said, that this was not only the opinion of the law-officers of the Crown, but likewise of the Court of Queen's Bench. Although coroners were elected by the people, still, if they became incapable of discharging the functions of their office by any means, the Lord Chancellor had power to appoint additional coroners to assist them, who would not only participate in their duties, but fees. This might, before long, be the case in the instance of the hon. Member for Finsbury. With respect to the clause, it applied only to the coroner of Manchester, and he wished it to apply to all the other coroners likely to be affected by this bill.

Mr. *Grimsditch* observed, that in those cases where additional coroners had been appointed, the magistrates were empowered to award compensation to the party sustaining loss by the arrangement.

Mr. *Wakley* again supported the claim of the coroner of Manchester, and said, that even if the Lord Chancellor were to exercise his power of appointing other coroners in Middlesex, he would not trouble the House with any claim for compensation.

Mr. *Hume* wished to know what was the question before the House?

The *Chairman* replied, that the clause be read a first time.

Mr. *Gisborne* suggested, whether it would not be better to alter the clause in such a way as would enable them to take the sense of the committee on the individual claim of the coroner?

Mr. *W. Patten* replied, that he was anxious to do so if he could, but he feared he could not, unless they allowed the clause to be read a second time.

Mr. *Brotherton* said, that the hon. Gentleman might strike out from the clause everything except that which related to the coroner.

Mr. *Gisborne* thought it would be better to drop the clause altogether, and bring it up in another form on the third reading of the bill.

Mr. *W. Patten* said, he would endeavour to meet the views of hon. Gentlemen, by making each claim a distinct clause.

The *Attorney-General* said that, although he wished justice to be done to all parties, still he could not see why the coroners and officers of other boroughs whom the bill would effect, should not be placed in as good a situation as the coroner of Manchester.

Mr. *W. Patten* had no objection to adopt the suggestion of the hon. and learned Gentleman, but, with respect to the clerk of the peace of Lancaster, his claim stood on peculiar grounds, and, therefore, he could not risk losing a vote in favour of it.

Mr. *Jervis* thought the better way would be to withdraw the clause, and propose one generally for compensation.

Sir *C. Douglas* thought the committee ought to allow the clause to be read a second time.

Mr. *Hume* said, if they proceeded in this way, the better course for the House to pursue would be, to reject any clause for compensation.

Mr. *M. Philips* had no objection to the claim of the coroner, but he must oppose the claims of the other parties. He wished a division on the clause as it stood.

Mr. *W. Patten* said, that such being the case, he must adhere to the clause.

Clause read a first time. On the question that it be read a second time, the committee divided:—Ayes 73, Noes 128: Majority 55.

List of the AYES.

A'Court, Captain
Bailey, J.
Basset, J.
Blackburne, I.
Bolling, W.
Botfield, B.
Buller, Sir J. Y.
Clive, hon. R. H.
Codrington, C. W.
Dalrymple, Sir A.
Darby, G.
Darlington, Earl of
De Horsey, S. H.
Douglas, Sir C. E.
Drummond, H. H.
Dugdale, W. S.
Dungannon, Viscount
Eaton, R. J.
Egerton, W. T.
Egerton, Lord F.
Eliot, Lord
Ellis, J.
Farnham, E. B.
Fellowes, E.
Gladstone, J. N.
Glynne, Sir S. R.

Godson, R.
Goulburn, rt. hon. H.
Greene, T.
Grimsditch, T.
Hale, R. B.
Hamilton, Lord C.
Hawkes, T.
Henniker, Lord
Hodgson, R.
Holmes, W.
Houstoun, G.
Hughes, W. B.
Hurt, F.
Ingestre, Viscount
Ingham, R.
Inglis, Sir R. H.
Kelly, F.
Kemble, H.
Knight, H. G.
Law, hon. C. E.
Lowther, J. H.
Lygon, hon. General
Mackenzie, W. F.
Marsland, T.
Maunsell, T. P.
Mordaunt, Sir J.
Morgan, O.
Norreys, Lord
Packe, C. W.
Pakington, J. S.
Palmer, G.
Parker, R. T.
Plumptre, J. P.
Praed, W. T.
Rae, rt. hon. Sir W.
Richards, R.
Rushbrooke, Colonel
Shirley, E. J.
Somerset, Lord G.
Sotheron, T. E.
Stewart, J.
Thompson, Alderman
Villiers, Viscount
Vivian, J. E.
Waddington, H. S.
Wakley, T.
Wilbraham, hon. B.

TELLERS.

Cresswell, C.
Patten, W.

List of the NOES.

Abercromby, hn. G. R.
Adam, Admiral
Aglionby, H. A.
Ainsworth, P.
Alston, R.
Archbold, R.
Armstrong, A.
Baring, rt. hon. F. T.
Barry, G. S.
Beamish, F. B.
Bellew, R. M.
Berkeley, hon. H.
Bewes, T.
Blake, W. J.
Blewitt, R. J.
Bowes, J.
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brotherton, J.
Bruges, W. H. L.
Buller, C.
Busfeild, W.
Campbell, Sir J.
Chalmers, P.
Clay, W.
Clements, Viscount
Clive, E. B.
Collier, J.
Cowper, hon. W. F.
Craig, W. G.
Divett, E.
Duke, Sir J.
Dundas, C. W. D.
Elliot, hon. J. E.
Ellice, E.
Evans, W.
Ewart, W.
Fielden, J.
Fenton, J.
Fitzroy, Lord C.
Fleetwood, Sir P. H.
Fort, J.
Gisborne, T.
Gordon, R.
Grey, rt. hon. Sir G.
Handley, H.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Hector, C. J.
Heron, Sir R.
Hill, Lord A. M. C.
Hindley, C.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hollond, R.
Horsman, E.
Howard, P. H.
Howard, hon. C. W. G.
Hume, J.
Hutt, W.
Hutton, R.
Jervis, J.
Jervis, S.
Langdale, hon. C.
Marsland, H.
Maule, hon. Fox
Morpeth, Viscount
Morris, D.
Morrison, J.
Muntz, G. F.
Noel, hon. C. G.
O'Brien, C.
O'Connell, J.
O'Connell, M. J.
Parker, J.
Parnell, rt. hn. Sir H.
Pattison, J.
Pease, J.
Pechell, Captain
Philips, G. R.
Phillpotts, J.
Pigot, rt. hon. D.
Ponsonby, C. F. A. C.
Pryme, G.
Rawdon, Col. J. D.
Rice, hon. E. R.
Rich, H.
Rundle, J.
Rutherfurd, rt. hon. A.
Salwey, Colonel
Scholefield, J.
Seale, Sir J. H.
Sheil, rt. hon. R. L.
Smith, J. A.
Smith, R. V.
Somerville, Sir W. M.
Stanley, hon. E. J.
Stanley, hon. W. O.
Stansfield, W. R. C.
Steuart, R.
Stuart, Lord J.
Stuart, W. V.
Stock, Mr. Sergeant
Strutt, E.
Talbot, C. R. M.
Talfourd, Mr. Serg.
Tancred, H. W.
Thornely, T.
Townley, R. G.
Tufnell, H.
Villiers, hon. C. P.
Vivian, J. H.
Vivian, rt. hn. Sir R. H.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
White, A.
Wilbraham, G.
Wilde, Sir T.
Williams, W.
Wood, C.
Wood, G. W.
Wyse, T.
Yates, J. A.

TELLERS.

Greg, R. H.
Philips, M.

Clause rejected.

Sir *C. Douglas* moved the insertion of a clause providing compensation for the clerk of the peace of the county of Warwick, and for the coroner of the said county, sitting within the Hundred of Hemlingford.

Mr. *Hume* complained, that the clause had not been printed, and moved "That the Chairman do report progress." He had understood, that it had been decided that the clerk of the peace for the county of Warwick was not entitled to compensation.

Mr. *M. Philips* could not vote for the clause until it had properly come under consideration.

Mr. *Jervis* said, that by voting for this clause for the compensation of coroners the House would only affirm, that coroners were entitled to compensation. Hon. Members would afterwards have an opportunity of considering the application of the clause to this particular case.

Mr. *Hume* must persist upon principle against proceeding with this clause until it had been previously printed.

The *Attorney-General* thought the hon. Member for Warwick, would best gain his object by withdrawing his clause for the present.

Sir *C. Douglas* said, he would have the clause printed, with a view to its being brought up with the report.

Clause withdrawn.

Lord *Francis Egerton* then moved the clause of which he had given notice, exempting the borough of Bolton from the operation of the bill. He knew he might be told that the bill did not go directly to confirm the Bolton Charter, but still it would have the effect of confirming it in an indirect manner. Several of the rate-payers had determined to litigate the question at the earliest possible opportunity, and this case was a perfectly different case, and a much stronger one than the case of Manchester, to which allusion had already been made, and they were apprehensive that they should by this bill be put in a worse situation than the one they at present occupied. They were desirous of bringing the question to trial, and did not wish to be deprived of the opportunity of trying the case by the indirect operation of this bill. In order that the House might understand distinctly the operation which the clause of the Attorney-general would have upon Bolton, it was necessary that he should explain, that at present the corporation was unable to levy a borough rate, because the township and the borough were not co-terminous. Now the Attorney-general's clause would enable them to levy a borough-rate, and deprive those persons of the opportunity of trying the question of the charter, which they were anxious to do, should the rate be levied. Such were shortly the grounds on which he entreated the House to exempt the borough of Bolton from the operation of the bill. He would be glad to give any explanation that might be required, but at that late hour he did not wish to occupy the attention of the House longer than was necessary.

Clause read a first time. On the motion that it be read a second time.

The *Attorney-General* said, he should be under the necessity of opposing the clause, as he considered that entirely to exempt Bolton from the operation of the bill would be highly objectionable. If it were sought by that bill to deprive the inhabitants of Bolton of the right to question the validity of the charter, such a proceeding would be manifestly unjust; but no such thing was attempted to be done. The inhabitants of Bolton would still have the power to take any steps they might think fit to question the validity of the charter. The consequence of exempting Bolton from the operation of the bill would be, that they would not be able to make any arrangement with the county of Lancaster for the custody and maintenance of their prisoners, and the county of Lancaster would suffer great injustice in consequence. To correct this inequality, it was necessary that the bill should apply to Bolton as well as to Manchester or Birmingham, and there was no reason assigned by the noble Lord to induce him to assent to the exemption.

Mr. *Bolling* could assure the Attorney-general that Bolton was peculiarly situated; it was divided into three townships, Great Bolton, Little Bolton, and the northern part. Great Bolton being only within the borough, all the expense relating to that could be taken out of the poors'-rate. But with regard to the other portions, they were obliged to levy a second rate, which was objected to. The parties agreed to levy in a friendly manner, for the rate, in order to try the question; but after carrying the proceedings to a certain point, the corporation party had given up the contest. The bill would go to legalise the levying of rates other than those authorised by the Municipal Act, and on that ground he claimed the exemption sought. The Queen could grant a charter, but she could not grant the power of levying money. He did not oppose the charter *per se*, but they were desirous of trying whether they could be legally saddled with this rate; 5,000 rate-payers had petitioned not to be saddled with the useless expenditure for the gaol and quarter sessions, when they were within ten miles of Manchester, to the prison of which place their prisoners might be conveyed by railroad at a shilling a head. Two years ago they had had a police force imposed on them by the noble Lord, which had cost 3,000*l.* in the last year, and 5,000 of the rate-payers now appealed to that House for protection against that bill.

Mr. *Ainsworth* said, that the petition alluded to by his hon. Colleague had been got up under false pretences. The town had been placarded with bills stating that a gaol was to be built at the cost of 20,000*l.*, and a new poor-house at the cost of another 20,000*l.*; of course, the rate-payers were anxious on the subject. The fact was, there was no intention to build either a poor-house or a gaol. The bill would however, give them the power of using the gaol to which his hon. Colleague had alluded, therefore if the bill passed they would be able to enter into an arrangement with the county on the subject. With respect to the charge of the police, Bolton was in the same situation as Birmingham. The corporation had appointed a police; their right to do so had been opposed; the old police had been kept up, and constant quarrels between the two had been the consequence. His hon. Friend had alluded to the expenses of the corporation. But it was a fact that the corporation had effected a clear saving of 500*l.* a year by the quarter session alone. They had formerly to send all their prisoners to Manchester. The argument of the Attorney-general was very just, that the county had at present to support all the borough prisoners, although the borough contributed nothing to the county rate. The hon. Member referred to the report of Captain Jebbs to show that a large majority of the householders had petitioned for the granting of a charter. There were 5,115 householders in favour of the corporation, and no more than 2,956 against it. There was, therefore, a much larger proportion of the inhabitants in favour of the corporation in Bolton than either in Manchester or Birmingham. Indeed, there seemed to be no other objection to the including Bolton in the bill than that there would be no one to compensate except the coroner. He hoped the House would not countenance the motion of the noble Lord the Member for South Lancashire; or rather he hoped the noble Lord would see the propriety of withdrawing his motion.

Mr. *Grimsditch* supported the motion of the noble Lord, and hoped the noble Lord would press the question to a division.

Mr. *M. Philips* said, that he had been requested to oppose the proposition of the noble Lord. The expenditure of the borough would be diminished by the bill, in one item to the extent of reducing a charge of 18*l.* to 3*l.* 15*s.* He hoped the clause would not be pressed.

The Committee divided on the question that the clause be read a second time:—Ayes 31; Noes 75; Majority 44.

List of the AYES.

Bailey, J.
Blackburne, I.
Broadley, H.
Buller, Sir J. Y.
Cresswell, C.
Dalrymple, Sir A.
Darby, G.
Drummond, H. H.
Dugdale, W. S.
Egerton, W. T.
Egerton, Lord F.
Gladstone, J. N.
Godson, R.
Goulburn, rt. hon. H.
Greene, T.
Hale, R. B.
Hawkes, T.
Hodgson, R.
Holmes, W.
Hughes, W. B.
Ingestre, Viscount
Knight, H. G.
Mackenzie, W. F.
Marsland, T.
Parker, R. T.
Rae, rt. hn. Sir W.
Richards, R.
Rushbrooke, Colonel
Stewart, J.
Waddington, H. S.
Wilbraham, hon. B.

TELLERS.

Bolling, W.
Grimsditch, T.

List of the NOES.

Adam, Admiral
Aglionby, H. A.
Archbold, R.
Armstrong, A.
Beamish, F. B.
Berkeley, hon. H.
Blewitt, R. J.
Bowes, J.
Bridgeman, H.
Brotherton, J.
Bruges, W. H. L.
Busfield, W.
Campbell, Sir J.
Chalmers, P.
Clay, W.
Craig, W. G.
Duke, Sir J.
Dundas, C. W. D.
Evans, W.
Fielden, J.
Fenton, J.
Gisborne, T.
Gordon, R.
Greg, R. H.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Heron, Sir R.
Hobhouse, T. B.
Hollond, R.
Horsman, E.
Howard, hon. E. G. G.
Howard, P. H.
Howard, hn. C. W. G.
Hume, J.
Hutt, W.
Hutton, R.
Ingham, R.
Jervis, J.
Marsland, H.
Maule, hon. F.
Morpeth, Viscount
Morris, D.
Muntz, G. F.
O'Brien, C.
O'Connell, M. J.
Parker, J.
Parnell, rt. hn. Sir H.
Pease, J.
Pechell, Captain
Pigot, rt. hon. D.
Rundle, J.
Rutherfurd, rt. hon. A.
Salwey, Colonel
Scholefield, J.
Sheil, right hon. R. L.
Smith, J. A.
Stanley, hon. E. J.
Steuart, R.
Stuart, Lord J.
Stuart, W. V.
Strutt, E.
Tancred, H. W.
Thornely, T.
Tufnell, H.
Wakley, T.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
Wilde, Sir T.
Wood, G. W.
Wyse, T.
Yates, J. A.

TELLERS.

Ainsworth, P.
Philips, M.

The House resumed. Bill to be reported.

ADMINISTRATION OF JUSTICE.] House in Committee on the Administration of Justice, (No. 1) Bill,

Mr. *Hayter* moved the following proviso to the clause awarding compensation:—

"Provided always, and be it hereby further enacted, that every annual or other sum of money awarded by way of compensation or otherwise, under this bill, to the Honourable Robert Campbell Scarlett, now one of the Masters of the Court of Exchequer, shall cease to be payable, when and so soon as he shall succeed to the dignity of a Peer of the United Kingdom."

Agreed to.

Bill went through Committee. House resumed.

HOUSE OF LORDS,

Tuesday, *May* 4, 1841.

MINUTES.] Petitions presented. By the Marquess of Downshire, and Viscount Duncannon, from Portsmouth, and Portsea, for the Jews Declaration Bill.—By the Marquess of Downshire, from Ireland, and Surrey, against any Alteration, and by Earl Fitzwilliam, from Manufacturers in Yorkshire, for the Repeal of the Corn-laws.—By Earl Fitzwilliam, and the Marquess of Normanby, from Members of the Socialists, for an Inquiry into their Opinions.—By Lord Hatherton, from a place in Lincolnshire, for an Alteration of the Turnpike Acts.—By Lord Sondes, from Ufford (Northampton), against any Alteration of the Corn-laws.

DRAINAGE OF TOWNS.] The Duke of *Wellington* was desirous that the city of Oxford, should be exempted from the operation of the bill. The provisions of the bill could be carried into effect by the civic authorities of Oxford, under certain local acts, instead of its object being carried out by commissioners appointed under this measure.

The Marquess of *Normanby* said, he would rather come to some understanding with the noble Duke as to the single case of Oxford, than postpone the bill which had been so repeatedly delayed for the purposes of making further alterations.

Lord *Lyndhurst* inquired whether the noble Marquess would allow a separate bill to be introduced with reference to Cambridge.

The Marquess of *Normanby* answered in the negative. The noble and learned Lord ought to have made this proposition earlier.

Lord *Lyndhurst* was of opinion, that the bill should be postponed. He knew very little about the measure. It was originally introduced, he believed, without any discussion at all, and read a second time without observation. It was then referred to a Select Committee, of which he was not a Member.

The Marquess of *Normanby* said, the measure had been discussed; and if the noble and learned Lord was not present at the discussion it was his own fault. He (the Marquess of Normanby), at the opening of the Session, gave a full and ample explanation of his intentions; and on the second reading of the bill a discussion of considerable length occurred. If, therefore, the noble and learned Lord was not in his place on those occasions, he had no right to complain. As to Cambridge, he understood that there were no such local acts there as those which applied to Oxford.

The Earl of *Ripon* expressed a wish that Birmingham should be exempted from the operation of the bill, as he understood Oxford would be.

The Marquess of *Normanby* said, the noble Duke had stated that Oxford ought to be exempted, in consequence of the existence of certain local acts; but such a proposition did not at all apply to the town of Birmingham.

The Earl of *Haddington* was of opinion that the measure should be postponed. There was no necessity for proceeding in such a hurry. The present Session was not about to close immediately—at least, so far as he knew.

The Earl of *Wicklow* said, it certainly was right to consider whether local acts, passed for the Government of certain towns, were sufficient for carrying the objects of this bill into effect. The Select Committee had not overlooked that point. The committee had inquired, and they found generally, that those acts were not applicable to the purposes of the bill.

The Earl of *Ripon* asked whether, with reference to those places where local acts gave certain powers to the civic authorities, it would not be convenient that those bodies, armed with further powers, should be employed to carry the provisions of the measure into effect, instead of the whole business being conducted by commissioners appointed under the bill? He did not want a general clause, but he wished the town of Birmingham to be placed in the schedule as one of the exempted places.

Lord *Ellenborough* could not agree to the proposition, that in every case where local acts existed all the powers contemplated by this measure should be given to the body appointed under such acts. This measure had already been much considered. The noble Marquess had made a speech stating his intentions in the first instance; he had shortly after introduced this bill, which was discussed on the second reading, and then referred to a Select Committee. He never recollected more attention to have been paid to any measure than was paid by the committee to this bill. Every clause to which they agreed, or which they rejected, was fully considered. He did not know of any measure for many years brought under the consideration of Parliament that, in his opinion, was of greater importance than this bill, because it respected the comforts of the people, the wants of the people, the health of the people; because it was a pledge to the whole of the labouring classes of this country that their Lordships would willingly do whatever they could for the comfort and happiness of those classes; because it showed that they were anxious to give to the labouring and working man a home, where he might enjoy that comfort, without the possession of which it was impossible that education could produce those moral effects that otherwise would spring from it. The statement of the right rev. Prelate (the Bishop of London), which was echoed by the whole House, was decisive on this point, and ought not to be forgotten. He hoped, therefore, that their Lordships would not, for reasons of a light, trifling, or temporary nature, retard the progress of this measure. He trusted, that instead of giving increased powers to bodies constituted under local acts, they would strictly adhere to the principles of the bill, and give this great boon without delay to the labouring classes of the country.

The Marquess of *Salisbury* moved a clause, for the purpose of excluding from the operation of the bill those lands that were already drained by water-courses under local acts.

Clause agreed to.

The Earl of *Haddington* objected to the powers which, under this act, would be given to the sheriff or sheriff-depute in Scotland, instead of to the commissioners of supply. Commissioners of supply were spread all over the country, and to them ought to be intrusted the power necessary for carrying the bill into effect. He should propose, that in a limited time after the passing of the act, the commissioners of supply should hold a special meeting; that they should divide each county into districts; that they should appoint committees for each, and that those committees should have the necessary powers for carrying the bill into effect. With that view, he should move that the words "sheriff or sheriff-depute" in the 42nd clause be struck out; and "committees of commissioners of supply" be inserted in lieu thereof. He should then move a clause enacting "that within three months after the passing of this act the commissioners of supply shall specially meet, and divide the counties into districts, and that they shall proceed to appoint committees for carrying the bill into effect."

Viscount *Melville* opposed the amendment.

The Marquess of *Normanby* said, he had endeavoured to ascertain what machinery would be best calculated to carry out the object of his bill in Scotland—a country with respect to which he possessed very little local knowledge, and, from the information which he had received, he thought it was better to place the power necessary for bringing the provisions of the bill into operation in the hands of the sheriff or sheriff-depute, rather than in those of the commissioners of supply.

Amendment negatived.

The Earl of *Ripon* moved that Birmingham be placed in the schedule. There were certain commissioners of sewers in that town under a local act, whose powers had not been repealed or altered by the present bill; and, if nothing were done, these commissioners and the town council would have conflicting jurisdictions, opposed to each other. Now, there was no reason why these powers should not be continued in the local commission. They had performed their duties for thirty years in a manner which had given satisfaction to all classes; but, at any rate, the anomaly which this bill would cause ought to be prevented. He, on this simple ground, moved that Birmingham be added to the schedule.

The Marquess of *Normanby* said, that his noble Friend had omitted to mention an important distinction between the commissioners of the town of Birmingham and the commissioners of other towns inserted in the schedule; and also the distinction between them and the commissioners of the town of Oxford. All these commissioners were elected in the same manner by the rate-payers, but the commissioners of Birmingham were self-elected. He thought if this power were not given to those who were subject to popular control, it should be given to those for whom the Executive was responsible. For this reason, amongst others, he should oppose the amendment.

The Earl of *Warwick* said, that these commissioners were universally looked up to and respected at Birmingham, and, despite all the political excitement that had taken place in that town, had done their duty.

The Marquess of *Normanby* said, that this bill would not transfer the power from the commissioners; it would merely give the Crown a power of selection.

The Earl of *Ripon* said, that his object was to prevent confusion in the town of Birmingham, since all who read the Act would find that these commissioners were able to do many things which must bring them into conflict with those whom the Crown might appoint.

In answer to a question from the Earl of Wicklow,

The Earl of *Ripon* said, that he apprehended the amendment would not preclude any other persons from sitting as commissioners, but, if it did, it would not make any difference.

The House divided—Content 69; Not-Content 36: Majority 33.

The Duke of Wellington moved, that Oxford be added in the bill to Manchester and York.

The Marquess of Normanby assented.

Motion agreed to.

Bill read a third time and passed.

BOROUGH IMPROVEMENTS.] On the question that the Borough Improvements Bill be read a third time,

The Duke of Wellington moved with respect to Oxford similar to that which he had moved when the third reading of the Drainage Bill was under consideration.

Motion agreed to.

Lord *Lyndhurst* said, that he had, on a former day, presented several petitions from the rated inhabitants of the town of Birmingham, praying that the town of Birmingham might be excluded from the operation of the bill, and he now, in pursuance of the notice which he had given, rose to move a proviso to that effect. He would state in a few words the grounds on which he made that proposal. They bore some resemblance to the grounds stated by his noble Friend in the former amendment. There had been for thirty years a local Act applicable to the town of Birmingham, and the commissioners under that local Act had powers similar to and corresponding nearly to, the powers proposed to be given to the town council by this bill. They had exercised those powers entirely to the satisfaction of the people of Birmingham, and he might appeal to gentlemen resident in that town or in its neighbourhood, to state whether a greater portion of improvement had not taken place in it within those thirty years, under the jurisdiction of the commissioners, than in any other town in this kingdom. The commissioners, who were men of all parties and sects, had acted with the greatest cordiality and harmony; but this bill proposed to substitute for them the town council, which was notoriously the most party body in the empire—the most radical body in the empire—the most sweeping and unmeasured in every step in which it had proceeded. He could only say, that all its conduct had been in conformity with its original creation. He would mention one instance. There was a Borough Court in Birmingham, which had a registrar, and it was usual to give such an appointment to a lawyer, or to a person who had some legal knowledge; but this town council appointed, not a lawyer nor a person who had some legal knowledge, but the editor or manager of a Radical journal in that town. He would ask, was the House willing to entrust such extraordinary powers—such unlimited powers—of taxation, with no appeal to the commissioners who had so well exercised their duty, or would they entrust them to a town council, composed of party men, and influenced by the principles which he had stated? He was sure that they would not hesitate, and he was sure that they would all be of opinion that the town of Birmingham ought to be excluded from the bill. He, for one, would repeat, that he would not consent to give such large powers to a party body, constituted in such a manner. It might purchase whatever property it pleased, and give whatever price it pleased, without any control or appeal. Another inconvenience would be this:—It might be proposed to purchase some property. The commissioners might say, "Give such a price;" and the town council might say, "Give such a price." Now, who was to decide between them? Nothing could be more absurd than allowing such conflicting jurisdictions to exist in one town. It was ridiculous while the one competent jurisdiction existed to establish a concurrent jurisdiction. It was on these grounds that he proposed, by way of proviso, "that nothing in this Act shall extend to the town of Birmingham."

The Marquess of *Normanby* said, he thought that there was no danger that the powers proposed to be given to the town council would be abused. He admitted with the noble and learned Lord that nothing could be more undesirable than that there should be conflicting jurisdiction in the same town; but the Act under which these commissioners were appointed was only for five years, and that time had almost expired. The Act was intended for a temporary purpose—that purpose had been answered, and as the object of the bill now before the House was intended to introduce one general system of improvement in large and populous towns, he hoped the noble and learned Lord would not press his motion.

Lord *Ellenborough* was anxious that the House should act on a uniform principle. His noble Friend near him had recently carried an amendment to this effect—that the commissioners under the local act at Birmingham had discharged their functions so satisfactorily, that it was quite safe to delegate to them the additional powers under this act. Did he understand his noble Friend to exclude Birmingham by his present amendment?

Lord *Lyndhurst* observed, that the form of his motion would exclude Birmingham. But he had no objection so to frame the provision as to vest the existing commissioners with all the powers given to the town councils by the act.

Lord *Ellenborough:* That obviates all my objection.

The Marquess of *Normanby* said, that after the decision which had been come to on the former amendment, it was not his intention to press the House to a division against the motion of the noble and learned Lord. He must, however, protest against Birmingham being made an exemption from the system of popular control.

Motion agreed to.

Earl *Stanhope* moved a proviso, excluding the borough of Derby from the operation of the act.

The Marquess of *Normanby* opposed the motion. The reason for this motion was not the same as the last. The commissioners in Derby amounted to about 400.

Amendment negatived, Bill passed.

The Buildings Regulation Bill was also read a third time and passed.

House adjourned.

HOUSE OF COMMONS,

Wednesday, May 5, 1841.

Minutes.] Bills. Read a first time:—Exchequer Bills.—Read a second time:—Salmon Fisheries (Scotland, No. 1); Enrolment of Burgesses; Salmon Fisheries (Scotland, No. 2).

Petitions presented. By Mr. Easthope, Mr. Villiers, Mr. Brotherton, Mr. G. W. Wood, and Mr. Hawes, from Leicester, Manchester, Westmorland, Yorkshire, Kendal, Lambeth, and an immense number of other places, for a Repeal of the Corn-laws.—By Mr. Alston, Mr. Busfeild, Mr. Strutt, and other hon. Members, from Hertfordshire, Bradford, Derby, and other places, against Church Rates, and Ecclesiastical Courts.—By Sir R. Inglis, Mr. Handley, Lord Charles Manners, and several other hon. Members, from Cambridge, Wilts, York, Lincoln, Leicester, and a great many other places, for Church Extension.—By Mr. Strutt, from Derby, in favour of the Drainage Bill.—By Sir J. Y. Buller, from Rate-payers of St. Thomas's, in Devonshire, against the Poor-law.—By Mr. T. Duncombe, from St. George's, Southwark, for Inquiry into the Violation of the Anatomy Act; and from Glasgow, for the Extension of the Franchise.—By Mr. Sergeant Jackson, from a place in Fermanagh, against Maynooth.—By Mr. R. Clive, from a place in Salop, for the better Remuneration of Coroners.—By Mr. Greig, Colonel Conolly, and Mr. Wallace, from Perthshire, Ibbermuir, Ballyshannon, and Renfrewshire, for the Abolition of Church Patronage (Scotland).—By Dr. Lushington, from Antigua, against the Introduction into England of Sugar raised by Slave Labour.

Sugar Duties—Protective System.] Sir *G. Clerk* stated, that he had been requested by the noble Lord the Member for Liverpool, in his absence, which was unavoidable, to state the terms of the resolution that it was his intention to move, upon the motion for the House to resolve itself into a Committee of Ways and Means on Friday, to consider the Sugar Duties, they were as follows:—

"Resolved, that considering the efforts and sacrifices which Parliament and the country have made for the abolition of the slave trade and of slavery, with the earnest hope that, by our exertions and example, we might be able to lead to a mitigation and final extinction of those evils in other countries, this House is not prepared, especially considering the present prospect of a supply of sugar from British Possessions, to adopt the measure proposed by her Majesty's Government, for the reduction of the duty on foreign sugar."

Lord *John Russell* wished to state that, in the event of the House not going into Committee on the sugar duties, and the resolution, of which they had just heard the notice given, being put from the Chair, he should move an amendment to it in nearly the following terms, but which to-morrow he would give more correctly:—

"That it is the opinion of this House that it is practicable to supply the present inadequacy of the revenue, and to meet the expenses of the country, by a judicious alteration of the protective and differential duties, without materially increasing the public burdens, and at the same time to promote the interests of trade, and to afford relief to the industrious classes; and that this House will consider such a course as best calculated for the maintenance of the public faith and the general welfare of the country."

Ecclesiastical Commissioners.] Viscount *Dungannon* wished to ask the noble Lord the Secretary for the Colonies whether any of the surplus funds which had fallen into the hands of the Church commissioners had been applied to the augmentation of poor benefices.

Lord *J. Russell* said, the subject had undergone a great deal of consideration on the part of the ecclesiastical commissioners, but they had not yet adopted any general principle for the application of the funds, and therefore none had been applied.

Viscount *Dungannon* then observed, that, as far as the matter had gone, he was to understand that no portion of the funds for the augmentation of poor benefices, had been applied in the different dioceses in which the benefices became vacant.

Lord *John Russell* replied, that sums had not yet been so applied. It was considered by the ecclesiastical commissioners desirable not to do so until some general plan was laid down.

VAN DIEMEN'S LAND.] Viscount *Mahon* had observed, that in the sales of land ordered by the commissioner in this country in our Australian colonies, there was none ordered for sale in Van Diemen's land. He wished to know whether it was intended, or was it any mistake?

Mr. *V. Smith* said, when the lands were advertised, there was not considered to be enough in Van Diemen's Land ready for sale to make it worth employing an agent in this country. It was more than probable that some would appear for sale in the next advertisement.

POOR-LAW AMENDMENT.] Captain *Polhill* observed that as a great deal of excitement prevailed out of doors, on the question of the new Poor-law, he wished her Majesty's Government to state on what day the bill would be again brought on.

Viscount *Morpeth* replied, that it was on the orders of the day for Monday; but he could not say whether it would then come on.

Captain *Polhill* was not satisfied with the answer. He said for himself he was not satisfied with it, and he was sure the House would not be satisfied with it.

COUNTY CORONERS.] The House in Committee for the re-consideration of the County Coroners bill,

Clause 1 agreed to.

On Clause 2,

Mr. *Wakley* said, that the clause provided that justices of the peace should meet in Session for the purpose of dividing the counties into districts. He thought it would be but an act of courtesy if the hon. Gentleman (Mr. Pakington) proposed in his bill that, before counties could be divided into districts, coroners should receive intimation of what the justices intended to do. He was aware that in arguing the case of the coroners against the justices in that House, there were fearful odds against him. It was extraordinary that justices of the peace, without giving notice to the coroners of what was to be done, should consider that they had the power to decide what was more convenient for the public than the coroners themselves who had been acting in those districts for many years. Several coroners loudly complained on this subject, and considered they were most unfairly treated. If the hon. Gentleman would intimate that the coroners should be adequately protected, he would not trouble the House with the proviso which it was his intention to move to the second clause. But if the hon. Gentleman should not give such an intimation, he should be obliged to put the House to the inconvenience of moving such a proviso. The hon. Gentleman read a note from a coroner in Gloucestershire, to show the injurious effects of the clause upon the interests of the coroners. The note complained of the injustice of putting coroners, who had been at great expense in getting elected for large districts on account of the large emolument arising therefrom, on a level with coroners of small districts who had been at little or no expense or trouble in obtaining those districts. The hon. Gentleman proceeded to say, that some compensation ought to be made to such coroners. He was desirous that the House should not interfere with the present management of counties when the counties had been divided into districts for a long series of years, and if the hon. Gentleman should state that that were his opinion he, (Mr. Wakley) would not trouble the House with the proviso he had mentioned.

Mr. *Pakington* assured the hon. Member he had no desire to act discourteously or harshly towards the coroners, and, seeing nothing objectionable in the hon. Member's proviso, he would not oppose it.

Proviso added to the clause, and clause as amended agreed to.

On clause 3 being read,

Mr. *Barneby* said, that the clause proposed to make it incumbent on every coroner to reside within the district for which he acted; but if a coroner resided in a town which had a right of holding quarter-sessions, he could not be, strictly speaking, residing within his district. Now, he thought that such a provision would press hardly upon some coroners, and therefore he wished to see some words introduced, giving to the justices the power of giving leave to the coroner to reside out of his district in some cases, as it may seem fit.

Mr. *Pakington* would accede to the introduction of some such provision.

Mr. *Wakley* objected to giving the justices such power. They were constantly boasting of the necessity of having the judges independent, and here they were proposing to make the coroner, who was a judge, dependent upon the magistrates. It would be impossible for him to do justice if he were placed in such a situation. Nothing could be more unfair than the manner in which coroners were elected; and he rejoiced that the hon. Member had brought the subject before the House. What he complained of was, that the bill left the justices to deal with the present coroners as they thought fit. He should, therefore, move, that the following proviso be added to it:—

> "Provided also, that nothing in this act contained shall extend, or be construed to extend, to any existing coroner of any county of which the duties have been discharged during —— number of years, unless the consent of the coroner has first been obtained in writing."

He left a blank for the number of years, as he had no objection to 10, 15, 20, or even 30 years, if the House thought proper.

Mr. *Pakington* did not think the hon. Member for Finsbury had any reason to complain of the powers given by this clause to the justices.

Mr. *O'Connell* contended, that as many of the coroners had vested interests, it should not be left to the caprice of magistrates, by contracting the range of their duties, to curtail their emoluments, without granting some compensation.

Sir *R. Peel* said, that certainly it was a fair principle to give compensation where existing interests were affected. He did not think that the question of compensation ought to stand in the way of the public good; on the contrary, where the public convenience required that vested interests should be interfered with, it was only just to grant compensation. The principle had been admitted last year, in the case of the coroners of the County Palatine of Chester, and although that was in a private bill, still the principle was a public one. It should be recollected that this clause gave to the justices an unlimited power to interfere with the ancient office of coroner, and that without appeal. He feared that this was likely to detract from the dignity of the office of coroner, but if the public good required it he should not object to it. He thought, however, that compensation ought to be awarded.

Mr. *Wakley* assured the committee that the coroners had no intention whatever to urge claims for compensation. The object of his proviso was to secure the independence and integrity of their courts from the interference of the justices. He therefore hoped the hon. Gentleman would not give the committee the trouble of dividing against it.

Mr. *Pakington* expressed his readiness to introduce a clause at another stage of the bill to give compensation to parties affected by the operation of the measure.

Sir *R. Peel* thought a public officer had a perfect right to ask for compensation for losses suffered by an alteration in the state of the law, but he had no right to ask for a power to decide whether or not a great public improvement should take place.

Mr. *O'Connell* suggested, that as the committee were agreed upon the principle of the amendment, it would be better to leave it to the hon. Gentleman to introduce a compensation clause than to divide upon the question now.

Sir *R. Peel* recommended that the clause should be so framed as to give power to the Privy Council, upon the representation of the magistrates, to decide upon the division of a county into districts, and that the Privy Council should have the power of awarding compensation.

Mr. *Wakley* hoped that it would not be understood that he had said one word against the division of counties into districts under coroners; no one would give more support to such a measure. But what he complained of was that the magistrates should have power, without reference to the coroner, to make the alteration. Satisfied that if the course recommended by the hon. Baronet were followed, justice would be done, he would withdraw his amendment.

Amendment withdrawn.

On the 6th clause having been proposed as follows:—

"When any county shall have been divided into districts, every election of a coroner for any such district shall be held at some place within the district in which he shall be elected to serve the office of coroner, and every person so to be elected shall be chosen by a majority of such persons residing within such district, as shall at the time of the election be duly qualified to vote at the election of knights of the shire for the county, &c."

Colonel *T. Wood* moved to leave out, in line 6, the words "residing within such district," which, he said, would have the effect of disfranchising all the non-resident county electors.

Mr. *Hume* opposed the amendment.

The Committee divided on the question that the words proposed to be left out stand;—Ayes 61; Noes 40; Majority 21.

List of the AYES.

Aglionby, H. A.
Armstrong, A.
Barnard, E. G.
Barneby, J.
Berkeley, hon. G.
Blackett, C.
Blake, M. J.
Bowes, J.
Bramston, T. W.
Brotherton, J.
Busfield, W.
Butler, hon. Colonel
Chalmers, P.
Clive, E. B.
Clive, hon. R. H.
Fielden, J.
Greenaway, C.
Hamilton, C. J. B.
Handley, H.
Harcourt, G. G.
Heathcoat, J.
Hobhouse, T. B.
Hodges, T. L.
Hoskins, K.
Houldsworth, T.
Howard, P. H.
Howard, hon. C. W. G.
Hume, J.
Hutt, W.
Ingham, R.
Jervis, J.
Langdale, hon. C.
Lister, E. C.
Maclean, D.
Marsland, H.
Maule, hon. F.
Morgan, C. M.
Morris, D.
Muskett, G. A.
O'Connell, Dan.
O'Connell, J.
Ord, W.
Pryme, G.
Pryse, P.
Rundle, J.
Salwey, Colonel
Stanley, E.
Stansfield, W. R. C.
Stewart, J.
Stewart, J.
Strickland, Sir G.
Talbot, C. R. M.
Thornely, T.
Turner, W.
Walter, J.
Warburton, H.
White, A.
Wilbraham, G.
Wood, G. W.
Worsley, Lord
Yates, J. A.

TELLERS.

Pakington, J.
Wakley, T.

List of the NOES.

Ainsworth, P.
Antrobus, E.
Archdall, M.
Bell, M.
Bentinck, Lord G.
Bethell, R.
Bolling, W.
Broadley, H.
Bruges, W. H. L.
Chapman, A.
Chute, W. L. W.
Darby, G.
Dungannon, Viscount
Egerton, W. T.
Gaskell, J. M.
Goddard, A.
Grimsditch, T.
Halford, H.
Hinde, J. H.
Hodgson, F.
Hodgson, R.
Hope, G. W.
Kemble, H.
Lowther, J. H.
Marsland, T.
Maunsell, T. P.
Morgan, O.
Muntz, G. F.
Murray, A.
Packe, C. W.
Plumptre, J. P.
Polhill, F.
Price, R.
Redington, T. N.
Round, J.
Rushbrooke, Colonel
Sibthorp, Colonel
Somerville, Sir W. M.
Vere, Sir C. B.
Wodehouse, E.

TELLERS.

Estcourt, T.
Wood, Colonel T.

Mr. *Hume*, moved to add to the clause after the word "election," the words "have been rated for six months to the relief of the poor in any parish in such district."

Mr. *Pakington* said, that this was an amendment to which it was quite impossible he could give his consent. The proposal, however, was not new, inasmuch as it had been made to him on bringing in the bill by the hon. Under-secretary for the Home Department. He (Mr. Pakington), thought, that so far from being an improvement, this addition to the clause would destroy the whole principle of the bill, the object of which was to simplify the mode of the election of coroner, to lessen the expenses of such election, and to put an end to the extensive frauds by personation and otherwise which were practised on those occasions. If the amendment were agreed to, it would amount to universal suffrage in those elections. He (Mr. Pakington) had no wish to narrow the franchise, and he had only adopted the county franchise for the sake of a criterion as to who should and who should not have a right to vote; and it was with that view that he had introduced as a constituency the constituencies of the boroughs in the particular districts. On the whole, the amendment was so objectionable that he must divide the committee against it.

Mr. *F. Maule* supported the amendment, and denied that its adoption could lead to universal suffrage in the election of coroners. It would only give to the poorer classes a voice in the election of a public officer who of all others was most nearly connected with them.

Mr. *J. Jervis* said, he was sorry to be obliged to oppose the amendment of the hon. Member for Kilkenny. He (Mr. Jervis) was clearly of opinion that the choice of coroner should remain, as formerly, in the freeholders of the county.

Mr. *Warburton* should vote for the amendment of the hon. Member for Kilkenny, because it was impossible to retain the present franchise without encouraging fraud and perjury.

Colonel *C. Wood* was much surprised that hon. Members opposite should argue from the abuse of the franchise for its further extension. He congratulated the hon. Members on the accession of the Government in the person of the hon. Under-secretary of State to the principle of household franchise.

Mr. *Wilbraham* opposed the amendment.

Mr. *Hamilton* agreed with the hon. and learned Member for Chester, and he should therefore oppose the amendment.

Mr. *Brotherton* supported the amendment.

Mr. *Wakley* doubted, that the bill would secure a good constituency, though he believed it was well intended as a remedy for abuse. The existing evil, however, was of such enormous magnitude that, even if the amendment of the hon. Member for Kilkenny were lost, some other founded on the clause before the House would be adopted. Under these circumstances he suggested a compromise to the effect of extending the right of voting to boroughs not now returning Members to Parliament.

The Committee divided on the question that the words proposed by Mr. Hume be inserted:—Ayes 48; Noes 63; Majority 15.

List of the AYES.

Aglionby, H. A.
Armstrong, A.
Baines, E.
Barnard, E. G.
Berkeley, hon. G.
Blackett, C.
Bowes, J.
Brotherton, J.
Busfield, W.
Clive, E. B.
Fielden, J.
Heathcoat, J.
Hinde, J. H.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, R.
Howard, P. H.
Howard, hon. C.W.G.
Humphery, J.
Hutt, W.
Ingham, R.
Lambton, H.
Langdale, hon. C.
Lister, E. C.
Marsland, H.
Morris, D.
Morrison, J.
Muntz, G. F.
O'Connell, Dan.
O'Connell, J.
O'Ferrall, R. M.
Ord, W.
Pigot, rt. hon. D.
Rundle, J.
Rutherfurd, rt.hon. A.
Salwey, Colonel
Stansfield, W. R. C.
Stewart, J.
Strickland, Sir G.
Thornely, T.
Turner, W.
Vivian, Major C.
Wakley, T.
Warburton, H.
White, A.
Wilbraham, G.
Wilde, Sir T.
Yates, J. A.

TELLERS.

Hume, J.
Maule, hon. F.

List of the NOES.

Ainsworth, P.
Antrobus, E.
Archdall, M.
Baldwin, C. B.
Barneby, J.
Bell, M.
Bethell, R.
Blair, J.
Bolling W.
Bramston, T. W.
Broadley, H.
Bruges, W. H. L.
Chapman, A.
Chute, W. L. W.
Clive, hon. R. H.
Darby, G.
Douglas, Sir C. E.
Drummond, H. H.
Dungannon, Viscount
East, J. B.
Egerton, W. T.
Estcourt, T.
Follett, Sir W.
Gaskell, J. M.
Godson, R.
Grimsditch, T.
Halford, H.
Hamilton, C. J. B.
Handley, H.
Harcourt, G. G.
Hodgson, F.
Hope, G. W.
Houldsworth, T.
Hughes, W. B.
Hurt, F.
Kemble, H.
Lowther, J. H.
Lucas, E.
Maclean, D.
Marsland, T.
Master, T. W. C.
Maunsell, T. P.
Mordaunt, Sir J.
Morgan, C. M.
Morgan, O.
Packe, C. W.
Plumptre, J. P.
Polhill, F.
Price, R.
Pryme, G.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Shirley, E. J.
Sibthorp, Colonel
Sotheron, T. E.
Stanley, E.
Stewart, J.
Vere, Sir C. B.
Welby, G. E.
Wodehouse, E.
Wood, Colonel T.
Worsley, Lord

TELLERS.

Pakington, J.
Jervis, J.

Mr. *J. Jervis* moved to substitute the word "registered," for the word "qualified," the effect of which was to secure to the existing electors the right of voting, the old qualification being retained.

The Committee divided on the question that the word "qualified" stand part of the clause:—Ayes 78; Noes 30; Majority 48.

List of the AYES.

Aglionby, H. A.
Antrobus, E.
Baines, E.
Baldwin, C. B.
Berkely, hon. G.
Bethell, R.
Blackett, C.
Broadley, H.
Brotherton, J.
Bruges, W. H. L.
Busfield, W.
Chute, W. L. W.
Clive, E. B.
Douglas, Sir C. E.
Drummond, H. H.
East, J. B.
Estcourt, T.
Evans, W.
Fielden, J.
Gisborne, T.
Handley, H.
Harcourt, G. G.
Heathcoat, J.
Hinde, J. H.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, F.
Hodgson, R.

Hope, G. W.
Howard, P. H.
Howard, hon. C.W.G.
Hughes, W. B.
Hume, J.
Humphery, J.
Hutt, W.
Kemble, H.
Langdale, hon. C.
Lister, E. C.
Lowther, J. H.
Lygon, hon. General
Mackenzie, W. F.
Marsland, H.
Marsland, T.
Maule, hon. F.
Moreton, hon. A. H.
Morgan, C. M. R.
Morgan, O.
Morris D.
Morrison, J.
Muntz, G. F.
Neeld, J.
O'Connell, J.
O'Ferrall, R. M.
Ord, W.
Packe, C. W.

Pigot, rt. hon. D.
Plumptre, J. P.
Price, R.
Round, J.
Rushbrooke, Colonel
Rutherfurd, rt. hon. A.
Salwey, Colonel
Shirley, E. J.
Sibthorp, Colonel
Sotheron, T. E.
Stansfield, W. R. C.
Stewart, J.
Strickland, Sir G.
Thornely, T.
Turner, W.
Vere, Sir C. B.
Wakley, T.
Warburton, H.
White, A.
Wilbraham, G.
Wilde, Sir T.
Wodehouse, E.
Yates, J. A.

TELLERS.

Jervis, J.
Hamilton, C.

List of the NOES.

Bailey, J.
Bailey, J. jun.
Bell, M.
Blair, J.
Bolling, W.
Bowes, J.
Bramston, T. W.
Chapman, A.
Clive, hon. R. H.
Egerton, W. T.
Gaskell, J. Milnes
Godson, R.
Grimsditch, T.
Halford, H.
Henniker, Lord
Houldsworth, T.
Hurt, F.

Ingham, R.
Lambton, H.
Maclean, D.
Master, T. W. C.
Maunsell, T. P.
Neeld, J.
Polhill, F.
Pryme, G.
Round, C. G.
Thompson, Alderman
Tollemache, F. J.
Wood, Colonel T.
Young, Sir W.

TELLERS.

Pakington, J.
Barneby, J.

Mr. *J. Jervis* moved, to add the word " coroners " after the word " elections."

Mr. *Wakley* objected to the amendment, the effect of which, he said, would be most disfranchising.

The Committee divided to add the word " coroners " after the word " elections:" Ayes 75; Noes 27; Majority 48.

List of the AYES.

Aglionby, H. A.
Antrobus, E.
Baines, E.
Baldwin, C. B.
Berkeley, hon. G.
Bethell, R.
Boldero, H. G.
Broadley, H.
Brotherton, J.

Bruges, W. H. L.
Busfield, W.
Chute, W. L. W.
Clive, E. B.
Codrington, C. W.
Douglas, Sir C. E.
Drummond, H. H.
East, J. B.
Estcourt, T.

Evans, W.
Fielden, J.
Gisborne, T.
Harcourt, G. G.
Hinde, J. H.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, F.
Hodgson, R.
Hope, G. W.
Hoskins, K.
Howard, P. H.
Howard, hon. C.W.G.
Hughes, W. B.
Hume, F.
Humphery, J.
Hurt, F.
Hutt, W.
Kemble, H.
Langdale, hon. C.
Lister, E. C.
Lockhart, A. M.
Lowther, J. H.
Lygon, hon. General
Mackenzie, W. F.
Marsland, H.
Marsland, T.
Morgan, C. M.
Morris, D.
Muntz, G. F.

Neeld, J.
O'Connell, Dan.
Ord, W.
Packe, C. W.
Parker, R. T.
Plumptre, J. P.
Polhill, F.
Price, R.
Round, J.
Rushbrooke, Colonel
Rutherfurd, rt. hn. A.
Salwey, Colonel
Shirley, E. J.
Sibthorp, Colonel
Sotheron, T. E.
Stansfield, W. R. C.
Stewart, J.
Strickland, Sir G.
Thorneley, T.
Vere, Sir C. B.
Vivian, Major C.
Warburton, H.
Wilbraham, G.
Wilde, Sir T.
Wodehouse, E.
Wood, Colonel T.

TELLERS.

Jervis, J.
Hamilton, C.

List of the NOES.

Bailey, J.
Bailey, J. jun.
Barneby, J.
Bell, M.
Blair, J.
Bolling, W.
Bowes, J.
Bramston, T. W.
Clive, hon. R. H.
Cresswell, C.
Eaton, R. J.
Egerton, W. T.
Gaskell, J. Milnes
Godson, R.
Halford, H.

Henniker, Lord
Houldsworth, T.
Lambton, H.
Maclean, D.
Master, T. W. C.
Maunsell, T. P.
Neeld, J.
Pryme, G.
Round, C. G.
Thompson, Alderman
Tollemache, F. J.
Young, Sir W.

TELLERS.

Pakington, J.
Wakley, T.

Amendment agreed to.

Mr. *Warburton* proposed an amendment, with a view of adding to the class of voters at present embraced by the bill, those who would have been included as the clause stood when proposed by the hon. Member for Droitwitch.

Mr. *J. Jervis* opposed the amendment.

Mr. *Aglionby* said, that he should vote for the amendment, because he did not like to disfranchise the old freeholders. He thought that it was an extremely good proposition to qualify by the registration.

Amendment withdrawn.

Mr. *J. Jervis* moved, that all the words after the words " coroners of counties" be struck out, which having been done, On the question, that the clause as amended stand part of the bill,

Mr. *T. Egerton* said, he should vote for the clause so amended.

Mr. *Pakington* said, that if this clause were struck out he should not think it worth while to go on with the bill.

Mr. *Estcourt* said, he should vote against the clause, as did Mr. Godson.

Mr. *J. Jervis* supported it.

Mr. *F. Maule* believed that residence in the district was absolutely necessary to curtail the expense of electing coroners. The office was interesting to those who inhabited the districts in which the coroner was to act, and therefore the inhabitants of the districts ought to vote. He trusted the Committee would maintain the vote to which they had already come.

Mr. *Darby* was opposed to the clause.

The Committee divided:—Ayes 73; Noes 48; Majority 25.

List of the AYES.

Aglionby, H. A.
Bailey, J.
Bailey, J. jun.
Baines, E.
Berkeley, hon. H.
Berkeley, hon. G.
Blackett, C.
Bowes, J.
Bramston, T. W.
Brotherton, J.
Busfield, W.
Clive, E. B.
Clive, hon. R. H.
Douglas, Sir C. E.
East, J. B.
Evans, G.
Evans, W.
Feilden, W.
Gisborne, T.
Hamilton, C. J. B.
Harcourt, G. G.
Hinde, J. H.
Hindley, C.
Hobhouse, T. B.
Hodges, T. L.
Hoskins, K.
Howard, P. H.
Hume, J.
Humphrey, J.
Hutt, W.
Ingham, R.
Jervis, J.
Lambton, H.
Langdale, hon. C.
Lennox, Lord G.
Lister, E. C.
Lowther, J. H.
Lucas, E.
Marsland, H.
Marsland, T.
Master, T. W. C.
Maule, hon. F.
Melgund, Lord Visc.
Mordaunt, Sir J.
Morris, D.
Morison, J.
Muntz, G. F.
Neeld, J.
O'Connell, Dan.
Ord, W.
Patten, J. W.
Pechell, Captain
Price, R.
Pryme, G.
Round, C. G.
Rundle, J.
Salwey, Colonel
Shirley, E. J.
Stansfield, W. R. C.
Stewart, J.
Strickland, Sir G.
Style, Sir C.
Thompson, Alderman
Thornely, T.
Vivian, Major C.
Waddington, H. S.
Wakley, T.
Wallace, R.
Warburton, H.
Wilbraham, G.
Wilde, Sir T.
Wodehouse, E.
Wood, B.

TELLERS.
Pakington, J. S.
Barneby, J.

List of the NOES.

Antrobus, E.
Baldwin, C. B.
Bell, M.
Bethell, R.
Blair, J.
Boldero, H. G.
Bolling, W.
Broadley, H.
Bruges, W. H.L.
Burrell, Sir C.
Chute, W. L. W.
Cresswell, C.
Darby, G.
Drummond, H. H.
Dungannon, Viscount
Eaton, R. J.
Gaskell, J. Milnes
Godson, R.
Grimsditch, T.
Halford, H.
Henniker, Lord
Hodgson, F.
Hodgson, R.
Hope, hon. C.
Hope, G. W.
Houldsworth, T.
Hughes, W. B.
Hurt, F.
Kemble, H.
Lockhart, A. M.
Lygon, hon. Gen.
Mackenzie, W. F.
Maunsell, T. P.
Neeld, J.
Packe, C. W.
Parker, R. T.
Plumptre, J. P.
Polhill, F.
Round, J.
Rushbrooke, Colonel
Sibthorp, Colonel
Sotheron, T. E.
Spry, Sir S. T.
Stewart, J.
Tollemache, F. J.
Vere, Sir C. B.
Wood, Colonel T.
Young, Sir W.

TELLERS.
Egerton, W. T.
Estcourt, T.

Clause as amended agreed to. It stood as follows,—

> "When any county, riding, or division, shall have been divided into districts, every election of a coroner for any such district, shall be held at some place within the district in which he shall be elected to serve the office of Coroner; and every person so elected shall be chosen by a majority of such persons residing within such district, as shall at the time of such election be duly qualified to vote at the elections of Coroners for counties."

Upon clause 14,

Mr. *T. Egerton* proposed as an amendment, that coroners should be empowered to compel the attendance of witnesses by fine and imprisonment.

Mr. *Pakington* suggested that the object would be sufficiently attained by raising the fine from 40*s.* to 5*l.*

Mr. *Wakley* conceived that the powers already possessed by coroners were amply sufficient for this purpose; but, as some lawyers were of a different opinion, he was glad that the hon. Member for Droitwich had introduced this amendment.

The *Solicitor-General* thought, that the power of enforcing the attendance of witnesses at an early stage of the inquiry ought to be given. As he was now satisfied that the coroner had sufficient power to compel the attendance of witnesses, he therefore suggested that the clause should be postponed. He thought that the fine

Clive, hon. R. H.
Drummond, H. H.
Estcourt, T.
Evans, W.
Fielden, J.
Filmer, Sir E.
Gisborne, T.
Hobhouse, T. B.
Hurt, F.
Inglis, Sir R. H.
Langdale, hon. C.
Marsland, H.
Maule, hon. F.
Melgund, Viscount
Neeld, J.

O'Brien, C.
Pakington, J. S.
Sibthorp, Colonel
Somerset, Lord G.
Stansfield, W. R. C.
Stuart, Lord J.
Talbot, C. R. M.
Teignmouth, Lord
Thornely, T.
Walker, R.
Wallace, R.
Williams, W.

TELLERS.

Buller, E.
Jervis, J.

List of the NOES.

Aglionby, H. A.
Bagge, W.
Bailey, J. jun.
Baldwin, C. B.
Bell, M.
Berkeley, hon. G.
Boldero, H. G.
Bowes, J.
Bramston, T. W.
Burrell, Sir C.
Clive, E. B.
Darby, G.
Douglas, Sir C. E.
Dungannon, Viscount
Eaton, R. J.
Egerton, W. T.
Ellice, E.
Farnham, E. B.
Gaskell, J. Milnes
Godson, R.
Granby, Marquess of
Grimston, Viscount
Halford, H.
Harcourt, G. G.
Heathcote, G. J.
Henniker, Lord
Hinde, J. H.
Hodges, T. L.
Hodgson, R.
Hope, G. W.
Hoskins, K.
Howard, hn. C. W. G.
Hughes, W. B.
Hutt, W.
Ingham, R.
Kelly, F.

Lowther, J. H.
Lygon, hon. General
Maclean, D.
Maunsell, T. P.
Miles, P. W. S.
Mordaunt, Sir J.
Morgan, C. M.
Morgan, O.
Morris, D.
Neeld, J.
Norreys, Lord
Packe, C. W.
Palmer, G.
Parker, R. T.
Pigot, right hon. D.
Polhill, F.
Pryme, G.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Salwey, Colonel
Sheppard, T.
Stewart, J.
Tollemache, F. J.
Tuffnell, H.
Vere, Sir C. B.
Warburton, H.
Wilbraham, G.
Wodehouse, E.
Wood, G. W.
Wood, B.
Worsley, Lord

TELLERS.

Hamilton, C.
Strickland, Sir G.

It was then moved, that the blank be filled up with "six-pence."

The Committee again divided on the question that the blank be filled up with sixpence :—Ayes 43; Noes 58 :—Majority 15.

List of the AYES.

Antrobus, E.
Baines, E.
Barneby, J.
Bethell, R.
Bowes, J.

Broadley, H.
Brotherton, J.
Bruges, W. H. L.
Buller, E.
Burrell, Sir C.

Busfeild, W.
Clive, hn. R. H.
Darby, G.
Drummond, H. H.
Estcourt, T.
Evans, W.
Fielden, J.
Filmer, Sir E.
Gisborne, T.
Hobhouse, T. B.
Hope, G. W.
Hurt, F.
Inglis, Sir R. H.
Langdale, hon. C.
Marsland, H.
Maule, hon. Fox
Melgund, Viscount
Neeld, J.

Pakington, J. S.
Pigot, right hon. D.
Sibthorp, Colonel
Stansfield, W. R. C.
Stuart, Lord J.
Talbot, C. R. M.
Teignmouth, Lord
Thornely, T.
Tufnell, H.
Waddington, H. S.
Walker, R.
Wallace, R.
Warburton, H.
Williams, W.
Wood, G. W.

TELLERS.

Jervis, J.
Egerton, W. T.

List of the NOES.

Aglionby, H. A.
Bagge, W.
Bailey, J. jun.
Baldwin, C. B.
Bell, M.
Berkeley, hon. G.
Boldero, H. G.
Bramston, T. W.
Clive, E. B.
Douglas, Sir C. E.
Dungannon, Viscount
Eaton, R. J.
Ellice, E.
Farnham, E. B.
Gaskell, J. Milnes
Godson, R.
Granby, Marquess of
Grimston, Viscount
Halford, H.
Harcourt, G. G.
Henniker, Lord
Hodges, T. L.
Hodgson, F.
Hodgson, R.
Holmes, W.
Hoskins, K.
Howard, hn. C. W. G.
Hughes, W. B.
Hutt, W.
Ingham, R.
Kelly, Fitzroy

Lowther, J. H.
Lygon, hon. General
Maclean, D.
Maunsell, T. P.
Miles, P. W. S.
Mordaunt, Sir J.
Morgan, C. M.
Morgan, O.
Morris, D.
Neeld, J.
Norreys, Lord
Packe, C. W.
Parker, R. T.
Polhill, F.
Pryme, G.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Salwey, Colonel
Sheppard, T.
Stewart, J.
Tollemache, F. J.
Vere, Sir C. B.
Wilbraham, G.
Wodehouse, E.
Wood, B.
Worsley, Lord

TELLERS.

Hamilton, C.
Strickland, Sir G.

Mr. *Fox Maule* proposed, that words be added for the purpose of restricting the charge of mileage to cases in which inquests were held beyond two miles from the coroner's usual residence.

Mr. *Wakley* opposed the proviso, as likely to operate most unjustly in densely populated districts.

Mr. *Pakington* also opposed the amendment. A coroner might have many inquests to attend in one day within that range, and he would be obliged to resort to the usual modes of conveyance, without the chance of reimbursement.

Mr. *Fox Maule* ultimately agreed to insert the word "additional," before "charge of mileage," and the proviso was then added.

On the question that the clause as amended, thus—

> "That for every mile which any Coroner shall be compelled to travel from his usual place of abode to take any inquisition, the further sum of ninepence per mile (making, together with the sum of ninepence first mentioned, the full sum of one shilling and sixpence per mile one way in the whole) over and above the fees, &c., be paid to him, &c."

stand part of the bill,

Mr. *Barneby* said, he could not agree to the clause, and he would divide the committee against it.

The committee divided:—Ayes 43; Noes 23: Majority 20.

List of the AYES.

Aglionby, H. A.
Bailey, J. (jun.)
Baines, E.
Bell, M.
Berkeley, hon. G.
Boldero, H. G.
Bowes, J.
Dungannon, Viscount
Ellice, E.
Fielden, J.
Gaskell, J. M.
Godson, R.
Grimston, Viscount
Harcourt, G.
Hinde, J. H.
Hodges, T. L.
Hodgson, F.
Hodgson, R.
Holmes, W.
Hope, G. W.
Howard, hn. C. W. G.
Hughes, W. B.
Lowther, J. H.
Maule, hon. Fox
Morgan, C. M.
Morgan, O.
Morris, D.
Norreys, Lord
Parker, R. T.
Pigot, right hon. D.
Pryme, G.
Round, J.
Rushbrooke, Colonel
Salwey, Colonel
Stewart, J.
Teignmouth, Lord
Tollemache, F. J.
Tufnell, H.
Wilbraham, G.
Wodehouse, E.
Wood, G. W.
Wood, B.
Worsley, Lord

TELLERS.

Strickland, Sir G.
Douglas, Sir C.

List of the NOES.

Antrobus, E.
Brotherton, J.
Busfield, W.
Darby, G.
Drummond, H.
Estcourt, T.
Evans, W.
Filmer, Sir E.
Gisborne, T.
Hobhouse, T. B.
Hurt, F.
Inglis, Sir R. H.
Jervis, J.
Langdale, hon. C.
Marsland, H.
Melgund, Viscount
Neeld, J.
Pakington, J. S.
Sibthorp, Colonel
Stansfield, W. R. C.
Walker, R.
Wallace, R.
Warburton, H.

TELLERS.

Barneby, J.
Buller, E.

The Chairman reported progress, committee to sit again.

House resumed.—Adjourned.

HOUSE OF LORDS,

Thursday, May 6, 1841.

MINUTES.] Bills. Read a first time:—Church Patronage (Scotland).—Read a second time:—Lease and Release; Entails Scotland Act Amendment.

Petitions presented. By Lord Poltimore, from various places, for the Extinction of Church Rates.—By Lord Wharncliffe, from Attorneys and Solicitors of Taunton, and other places, against the Prohibition of Marriages within certain degrees of Affinity.—By Lord Redesdale, and the Earl of Winchilsea, from two places in Oxfordshire, Ashford, New Romney, and other places, against any Alteration in the Corn-laws; and from the Inhabitants of Charlotte-street, Fitzroy-square, and from Inhabitants of Middlesex, for the Abolition of Tolls on Southwark, Waterloo, and Vauxhall Bridges.—By the Earls of Wicklow, and Charleville, from a Congregation in Donegal, and Enniskillen, against Church Patronage (Scotland).—By the Earl of Wilton, from Southwark, for the Abolition of the Tolls on the Metropolitan Bridges.—By the Bishop of Winchester, from Clergymen in his Diocese, for an Alteration of the Law for Rating Tithes.—By Earl Fitzwilliam, from Barnstaple, for the Extinction of Church Rates; and from Arbroath, Bingley, and Saddleworth, for the Repeal of the Corn-laws.

CORN LAWS.] Earl *Fitzwilliam* gave notice that he would, to-morrow, present a petition from Leeds, in favour of the repeal of the Corn Laws.

Lord *Ashburton* was desirous of knowing whether the noble Earl intended to go into the question generally on the presentation of the petition of which he had given notice. If he did so intend he ought to state the circumstance to their Lordships. Nothing was more inconvenient than that a question of such deep importance, and in which such vital interests were concerned, should be brought forward on the occasional presentation of petitions. But if the noble Earl was desirous of having the question fully and fairly entered into—let notice be given of it, and they would discuss the question on its general principles. If it were the intention of the noble Earl to do so to-morrow he should be most happy to take that opportunity of explaining what were his views on the subject.

Earl *Fitzwilliam* said, that according to the state in which the matter at present stood, the proper course would be, to wait till the proceedings relating to this subject in the other House of Parliament (which was the proper quarter whence any proposition with reference to it should emanate) were regularly brought under their Lordships' view. When the question was thus introduced, he should be prepared to discuss it fully. If he should present the petition from Leeds to-morrow, he certainly should do so without any intention of entering into a long discussion on the corn-laws; but when the proper time arrived he should state what his intentions were, in order to attain that great object, which he, in common with Her Majesty's Government, had in view. But, with reference to the great town of Leeds (about the fifth manufacturing town in the kingdom), it was just that he should state, that the most wealthy and influential persons there, had thought it advisable,in the most decisive and authoritative manner they could think of, to come to certain resolutions with respect to this question, in order that their Lordships might be fully acquainted with their sentiments. That was the reason why he had not acted, with reference to this petition, in the ordinary manner, by merely laying it on the table; and he did not think he acted improperly in thus making known to their Lordships what were the opinions of great masses of people in relation to this question, many of them being men well and extensively informed on the subject.

Lord *Ashburton* thought, that if they were to wait until the bill founded upon the Chancellor of the Exchequer's new project for obtaining money without taxes came before their Lordships, they would never be called upon to discuss this question at all. He did not here allude to the Corn Laws alone. He referred to the whole scheme for new modelling, as it was called, our financial system, to the grand project by which they were to raise revenue without taxation. He did not understand the *hocus pocus* by which this was to be accomplished—and the people who approved so highly of it never thought it necessary to look into the machinery and see how it was to be effected. Seriously, he was bound to say, that this was the most entire delusion and the most absurd bubble that was ever brought to the notice of an intelligent community.

Earl *Fitzwilliam:* The noble Lord had said, that this was an attempt to remodel the entire condition of the law. But, let it never be forgotten that these were new laws, which he (Earl Fitzwilliam) was ashamed to say, he, as a very young man, had supported. He could not, like the noble Lord, look back with the glorious satisfaction of thinking on the firm, wise, and powerful opposition which he gave to those laws, night after night, when the noble Lord stood alone against 500 united Members of the House of Commons. The noble Lord at that time declared those laws to be inconsistent with true commercial wisdom. He well recollected the noble Lord, in a very small minority, coming down to the House of Commons and denouncing the corn law measures on which they were then engaged as erroneous and uncommercial—He recollected the noble Lord—he was then a very young man—backed by the merchants, bankers, and traders of the city of London, raising his voice against what he very properly called a monstrous proposition, for monstrous it was, and monstrous it would still be called by every man who had a particle of commercial blood in his veins. But he was afraid that every drop of commercial blood had oozed from the noble Lord, since he had changed his character from that of a merchant and a liberal politician to that of a great landowner and an aristocrat. Notwithstanding the majorities which had voted against a revision and relaxation of the corn laws in that House, on the motions he had submitted on former occasions, he did not despair of such a measure being finally successful. Those majorities were gradually diminishing. When he first brought the question forward, knowing that the minority would be extremely small, he did not divide the House. The following year twenty-four noble Lords voted with him; and last year he had the satisfaction to receive the support of forty-two of their Lordships; and he believed that at the present moment there were between fifty and sixty noble Lords ready to record, by their votes, their disapprobation of this system. The noble Lord asked, why he had given notice of his intention to present a petition from the great town of Leeds, and had further inquired whether there were not other parties to be heard? That question was not quite so consistent with the historical memory of the noble Lord as they had a right to expect. Did he not recollect the petitions presented by the noble Duke (Buckingham) on a former day, from other parties, on this question, and did he not remember the speeches that were then made by noble Lords opposite? He was sorry that this discussion had been so inconveniently introduced, but it had not been introduced by him.

Lord *Ashburton* would say a few words in reply to the remarks which had been made relating personally to himself. It had been said, that his opinions were different now from what they had been twenty five years ago. Now, to a certain extent, he admitted this; but if it were entirely so,he thought that it was not a charge of a very serious nature. But the question on which his opinion had been formerly expressed was a very different one from that which at present engaged the public mind—and in reality he had not materially changed his views on the general subject. The question in which he had taken an active part was in 1815, when a proposal was made, at the end of a long and expensive war, was to increase the protection from 65*s.* or 66*s.* up to 80*s.* Now this was a very different matter. No person could then say, after the long war in which we had been engaged, how the interests of the country would settle down—in what position and in what relative footing commerce and agriculture would stand—and so, under such circumstances, he had thought it imprudent to do that for which the noble Earl now reproached himself with having done, namely, to increase, without duly considering and watching the condition in which the country would be placed after a few years of peace, the extent of protection. In 1828, the sole question was as to the amount of protection, and he certainly did not at that time approve of the sweeping measure proposed. He thought that the protection then asked for was excessive, and granting to the cultivators of the land more than that fair protection to which their position entitled them, and which their wants demanded. He did not then, nor could he now, approve of excessive protection. He did not then approve of a sweeping measure in their favour—he did not now approve of a more sweeping measure against them. His opinions—by the increased information and experience of twenty-five years—might have slightly varied—and whose had not? But in most respects and on general principles, they were materially the same.

Subject at an end.

COURT OF CHANCERY.] Lord *Ellenborough* wished to put a question to the noble and learned Lord upon the woolsack. It would be in the recollection of the House that a measure had been some time since under their consideration, the object of which was to facilitate the administration of justice in the Court of Chancery, for which purpose it empowered the Lord Chancellor to form new rules for regulating the proceedings of that court. Now, he wished to know from the noble and learned Lord, whether any such rules had yet been prepared? It was the more necessary that attention should be called to the subject, as the law provided, that all such rules should remain on the Table of the House for at least thirty-six days of actual sitting. Supposing that the Session of Parliament were in the present year to be prolonged to the usual period, there would remain only three weeks time within which there could arise any practical advantage from the presentation of any draught of those proposed rules to the House.

The *Lord Chancellor* said, the House was of course aware that there must be no ordinary difficulty in making new arrangements of the nature to which the noble Baron's question referred. He assured their Lordships that his attention had been earnestly and seriously directed to the subject; he had called in the assistance of the other judges of the Court, and the preparation of the rules had been to a great extent already matured, but yet not sufficiently so to admit of their being laid before Parliament. He admitted, that it was of great importance to complete the preparation of these rules as speedily as possible, but he was sure that the House would agree with him that to render them useful and efficient was a matter of still greater importance.

CHURCH OF SCOTLAND.] The Duke of *Argyll* said, that in pursuance of a notice which he gave on Friday last, he now rose to present a bill for the better regulation of Church patronage in Scotland. Their Lordships were perfectly aware, that in the early part of the history of the Church of Scotland, as soon indeed as it became a regularly organised body, it was one of the fundamental laws of that Church, that no Minister should be forced upon any parish or body of the people, for the purpose of taking spiritual charge of them, or of discharging among them the sacred functions of the ministry, who was in any manner objectionable to them, either on account of grave and serious faults, or upon the less easily defined ground of want of congeniality with them in religious feeling; and no attempt was ever made in any of those Acts of Parliament, which adopted the Church of Scotland as the national church, and conferred endowments on her to fetter the exercise of this principle. It was repeatedly confirmed by different Acts of Assembly, and enforced whenever the Church, being at any time free from persecution, had it in her power to act without restraint in ecclesiastical affairs. This was the state of the Church government for twenty years previous to the Act of Parliament of the 11th of Queen Anne, which restored to patrons their former powers, of which they had been deprived by the acts of 1649 and 1690. During the period that elapsed between the acts of 1690 (by which all the laws and privileges of the Church of Scotland were confirmed) and the subsequent act of 1712, restoring patronages to the former lay patrons, the right of nomination and presentation to vacant benefices had been exercised by the heritors and Kirk Session, subject always to the approval, or disapproval of the congregations, thus effectually preserving the principle of non-intrusion of Ministers upon reclaiming, that is to say, refusing parishes; and although the act of 1690 sufficiently secured all the rights and privileges of the Scottish Church, they were still further and more solemnly confirmed to her by the Act of Union between Scotland and England in 1707, without which confirmation of her rights the Church of Scotland then, as now, a most powerful and influential body, would never have given her consent to the union, and by her refusal must have thrown much difficulty and delay in the way of that wise and salutary measure. Unhappily, however, a Ministry was appointed by Queen Anne, who sought to forward their views for the restoration of the Stewarts, by oppressing the Scottish Church, whose known attachment to the Protestant succession in the house of Hanover would have proved a formidable impediment to their ulterior views; and they, therefore, moved the British Parliament and the Crown to pass an act for the restoration of patronages to the former patrons, without any reservation of the rights of the congregation to give their approval or dissent from the appointment of any presentees that might be offered to them by their patrons. Now, had the act of 1712 reserved that fundamental law of the Church, that no minister should be forced upon a reclaiming parish, there would have been little cause to regret an act that restored the right of presenting to vacant parishes to its ancient possessors; for in the opinion of many, and it was decidedly his own, the former patrons were as likely to present fit and proper persons to vacant parishes as the heritors and Kirk Session, between whom many inconvenient disputes and delays might arise; and, if bound and restricted by the free exercise of the non-intrusion principle on the part of the people, this restoration might have proved an advantage and a blessing to the Church of Scotland. Upon that principle he had ventured to submit the bill which he held in his hand for their consideration; and to prove that he had not done so upon rash and inconsisderate grounds, he should now proceed to read some letters from the most celebrated and influential leaders of the dominant party in the Church, showing that they were far from thinking the total abolition of patronage, as by law established, the only, or even the best way of settling the unhappy differences at present existing in the Church of Scotland, and of preventing the recurrence of those disputes between patrons and congregations of which they had seen of late too many examples. His Grace read the following document:—

"MINUTE OF THE GENERAL ASSEMBLY NON-INTRUSION COMMITTEE.

"Edinburgh, March 5, 1841.

"Dr. Gordon laid before the meeting a letter which he had received from the Duke of Argyll, dated the 3rd instant, together with a copy of the answer which he had returned to his Grace, dated the 5th instant. These letters were in the following terms, viz.:—

"HIS GRACE THE DUKE OF ARGYLL TO THE REV. DR. GORDON, EDINBURGH.

"Dear Sir,—I am very sorry that, owing to the illness of my son, I was not in my place in the House of Lords last night, when some statements were made by two noble Lords which appear to me to be likely to make an erroneous impression upon the House, so far as relates to a supposed wish upon the part of all non-intrusionists for the total abolition of patronage in the Church of Scotland.

"Now, Sir, I think myself authorised, from what fell from yourself and Mr. Candlish at the meeting which I had the pleasure of having with you a few days since in Edinburgh, to contradict upon your part and that of those who appointed you their committee, any wish of the kind; and I presume that I may also state that you are of opinion a measure founded upon the principles which we discussed at that time would be perfectly satisfactory to the Church.

"I think myself perfectly correct in my recollection of what passed at the time of our meeting; but it would be very desirable if you would favour me with your instructions in writing upon the subject, that no mistake may be made in any assertion I may think it necessary to make in the House of Peers.

"I have not yet seen any of the members of the deputation here, nor do I know their address, but shall endeavour to find them out to-morrow.—I remain, &c.

(Signed) "ARGYLL.

"London, March 3."

THE REV. DR. GORDON TO HIS GRACE THE DUKE OF ARGYLL.

"My Lord Duke,—I beg to acknowledge the letter which your Grace did me the honour to address to me on the 3rd.

"In reference to the subject of conversation at the interview with which your Grace so kindly honoured my friend and myself in Edinburgh, I beg to say that we had no instructions from our constituents, the General Assembly's non-intrusion committee, even to propose the abolition of patronage *as one way* of settling the present question regarding the appointment of ministers to the Church of Scotland, far less *to press it* as *the only way* of putting an end to the present unhappy collision between the civil and ecclesiastical courts. There is, indeed, a section of the Church, comprehending able and excellent men, who have always advocated anti-patronage principles; and in consequence of the late decisions in the civil courts, great numbers, perhaps a majority, of the Church of Scotland have united with them in petitioning for the abolition of patronage, on the ground that they see no other probable way of obtaining a measure that would secure the two great principles of non-intrusion and the spiritual independence of the Church. But I have no hesitation in saying, that the Church never has proposed, and does not now propose, the abolition of patronage as the only mode of settling the present most distressing question; and, that this assertion may not rest upon my individual opinion, ~~I beg~~ to enclose for your Grace's perusal a document, published by the authority of the General Assembly's non-intrusion committee, containing drafts of two bills, in either of which they would acquiesce. I take the liberty of especially requesting your Grace's attention to No. 1 of these drafts, and to the note appended to it, which I think proceeds on the very principle which had occurred to your Grace as a satisfactory mode of adjusting present differences. Neither the General Assembly nor its non-intrusion committee has ever taken any step inconsistent with the adherence of the Church to the inclosed measures; and I feel warranted to say, that in either the one or the other the Church will concur. Her great object, which she cannot abandon is to prevent the intrusion of ministers on reclaiming congregations, and the interference of the civil courts in matters spiritual.

"I have to request your grace's indulgence for this lenghtened letter, and I have the honour to be &c.,

(Signed) "Robert Gordon.

"Edinburgh, March 5, 1841."

The committee having considered the documents referred to, unanimously resolve as follows:—

"1. They approve of the above letter, addressed by Dr. Gordon to the Duke of Argyll, and adopt that letter, in all its parts, as containing a correct representation of the views and sentiments entertained by this committee, and by the Church of Scotland, which this committee represents, in reference to the matters which are treated in the said letter.

"2. They renew an expression of their approbation of the above two drafts of bills, and record their conviction that an Act of Parliament passed in conformity with either of them would be acceptable to the Church, and would prove the means of averting the fatal calamities which now so imminently threaten the Church and country.

"Extracted from the minutes of the committee by

(Signed) "J. Hamilton, Secretary."

"My Lord Duke—I very much regretted that I was not able to wait on your Grace when you passed through Edinburgh, being at that time confined to my room by an indisposition from which I have not yet wholly recovered, and am therefore obliged to write by an amanuensis.

"I have just read Dr. Gordon's letter to your Grace, and beg to state, that I entirely concur in the views which he has submitted to you. I feel it unnecessary to enter on the grounds of this concurrence, after the very able exposition which has been given of them by Mr. Hamilton in his last letter to the Duke of Wellington, printed some days ago, and which embodies not only a most effective reply to a recent adverse article in the *Quarterly Review*, but which, apart from the controversy altogether, contains a full and impartial, and temperate exposition both of the present state of our Church question, and of the likeliest measure for its pacific and satisfactory settlement.

"The appearance of this pamphlet I reckon to be in the highest degree seasonable; as, within the compass of little more than an hour's reading; it has presented as much as will rectify many misconceptions, and give the reader a very distinct view both of our difficulties and our claims.

"I cannot conclude this letter without expressing the very grateful sense which I and many others entertain of your Grace's interest in the Church of Scotland.

"I have the honour to be, your Grace's most obliged and most obedient servant.

"(Signed)

"Thomas Chalmers."

"Edinburgh, March, 1841.

From these letters, it must be evident to their Lordships, that such a measure as now proposed for their consideration would meet with the approbation and concurrence of a very large portion of the Scottish clergy, and, he might safely add, with that of the majority of the Scotch nation at large. It was true, that he had heard it whispered, that the approbation of the Church might not be considered any recommendation of his measure, but he could not believe, that a prejudice at once so injurious to the character of that venerable Church and her clergy, and so unworthy of their Lordships, would be for a moment, allowed to influence the decision to which their Lordships would come on this important subject. He could not and would not believe, that with regard to a measure of which the benefit of the Church and people of Scotland were the sole objects, the opinions and wishes of that Church and people would be wholly disregarded, much less could he believe, that their Lordships would be prejudiced against any measure in favour of which they may be expressed. The object of the bill which he held in his hand was to give effect to the great principle of non-intrusion, which he had already endeavoured to explain as the fundamental law of the Church of Scotland. The bill was now on their Lordships' Table, and he must entreat for it their most serious, earnest, and patient consideration. To all those noble Lords in any way connected with Scotland, and, therefore, more fully aware of the intense excitement which there prevailed on this subject, he should say nothing to secure from them that earnest and patient attention which the subject so much demanded. But to those who were not so intimately connected with that part of the empire, he felt himself called upon to address a few words. He would endeavour to impress on their Lordships' mind the imperative necessity of conceding to the Church the free exercise of the principles for which she was now contending. Their Lordships might not, perhaps, be aware, that the act which restored to patrons their former powers, and made no provision for giving the people a voice in the appointment of their ministers, inflicted a heavy blow on the Established Church by securing the secession of a large body of her clergy and people, who felt, that they could not conscientiously remain in her communion while subjected to the operation of such a law. Under present circumstances, when there was not only no provision for consulting the will of the people in the settlement of their ministers, but when the highest judicial authority in the country had declared it incompetent in the church courts to take their will in any degree into consideration. Under these circumstances, he need scarcely say, that should an enactment to this effect be withheld, there was every reason to believe that a still larger number of members of the Established Church would separate from it, and the mischiefs which must ensue from such a division in the Church were too evident to require, that he should do more than allude to them. The want of some enactment to secure the non-intrusion principle, had been, in a great measure, the cause of the anti-patronage agitation which at various times had prevailed in Scotland. Much causeless alarm had been entertained that were the Church's demand for a legislative enactment to secure the non-intrusion principle to be listened to, it would only serve to encourage and foster that agitation by giving reason to hope for its ultimate success. He (the Duke of Argyll) had good grounds for believing, that were any measure similar to the one he had the honour to propose passed into a law, it would do more to allay the very strong feeling against patronage which now exists than anything else. This feeling had gained ground, it was gaining ground, and it was evident that it must continue to gain ground every day and every hour, that the matter was allowed to remain in its present state; and not until the Church had obtained the consent of the Legislature for some provisions to obviate the practical evils of patronage, could it be expected to diminish. That there always will exist, as there always had existed, a party in the Church who look upon patronage in any form as an evil, he had no wish to deny; but the very men who entertain these opinions, were well aware that were the proposed restriction of patronage carried into effect, they would have comparatively but few followers, as it was not easy to excite popular feeling upon a merely theoretical objection. In proof of this he would read a passage from a letter from Mr. Candlish, who is well known to entertain anti-patronage views:—

"My dear Duke—Those of us who hold anti-patronage opinions on principles, independent of the present struggle, see clearly that the passing of a sufficient measure of non-intrusion might, and necessarily would, supersede the agitation against patronage and diminish the probability of its abolition. But we prefer the security and peace of the church to any peculiar views of our own, and any plan effectually securing the fundamental principles which the church is pledged to maintain, will meet with our hearty support. Accordingly we fully concur in approving of either of the two measures sanctioned by the General Assembly's committee. But I may refer your grace to a much fuller and more able exposition of our case in the recent publication of John Hamilton, Esq. In that pamphlet justice is done to the views of the anti-patronage party, and the real bearing of these views on the present conflict is most satisfactorily explained. In the mode of settling the question proposed by Mr. Hamilton, we would all most cordially concur.

"My Lord Duke,
"Your Grace's most obedient servant,
(Signed) "Robert Candlish."
Edinburgh, March, 1841.

He had endeavoured shortly to lay before their Lordships the reasons which had induced him to adopt his present opinions on that subject, and such were the reasons which he ventured to hope would induce their Lordships to consider favourably the measure which he had laid on the Table. In conclusion, he felt it his duty to state his conviction that should that or some similar measure be ultimately refused by the legislature, the most lamentable consequences must ensue to Scotland, and he therefore once more entreated their Lordships, by every motive of religion, justice, and good policy, to pause and consider well ere they rejected the only apparent remedy for evils so great, and hitherto so much neglected. The noble Duke then moved that the bill be read a first time, and stated that it was not his intention to move its second reading until after the meeting of the General Assembly.

The Earl of *Aberdeen* said, that the bill of the noble Duke was nothing more nor less than an attempt to legalise what was called the veto, and to legalise it under circumstances more objectionable and more odious than its original language. He objected to the recognition of the principle of "the call" by the Legislature. The noble Duke's bill provided that if a majority of the male heads of families in a parish, communicants of the Church, should go before the Presbytery and state its dissent from the call, and after the Presbytery had failed to reduce the number to less than a majority, the Presbytery should be compelled to reject the presentee, though no reason should be assigned by the parties. He (the Earl of Aberdeen) had no objection to give full weight to the feelings and wishes of the people in these transactions; and in any mode by which that could be done so as to secure the real, genuine, and honest feelings of the people of Scotland he was at once disposed to concur. He thought that he had sufficiently provided for that in the bill which he introduced last year. He could mention one or two instances to show the ill effects and inconveniences which would result from the noble Duke's measure. A presentee was appointed to a parish, and the heads of families objected to him merely because he had been presented. The Presbytery failed to reduce the numbers more than one-half, and therefore they rejected him. Would the Legislature permit the law standing in the statute-book to be defeated by such a regulation as this? Again, a presentee might be objected to merely because he was compelled to take the oath of allegiance, and still the Presbytery would be bound to respect him. Was it to be tolerated that anything so monstrous should be sanctioned by Parliament? He could not, therefore, give any support whatever to a measure which would lead to such results. Even if their Lordships consented to make the mischievous concessions contained in the noble Duke's measure, what proof had they that such a concession would be either final or satisfactory? The manner in which the agitation had been carried on was not such as to entitle those parties to any such favour; and what their Lordships would not grant to reason he was sure they would never yield to fear.

The Earl of *Rosebery* suggested that there was great inconvenience in attempting to discuss a measure before it was printed, and it was scarcely a fair mode of treating a bill of that importance. There existed the most urgent necessity, in his opinion, of adopting some wise and comprehensive measure, since, if they did not, the difficulty of avoiding the abolition of patronage would increase and grow upon them year after year.

Lord *Dunfermline* said, that there was an urgent necessity to put an end to the agitation on this subject which prevailed throughout Scotland; but the question was, would this measure have that effect? In his opinion, it would not; on the contrary, it contained within it, he thought, the seeds of future agitation. It was impossible that any State Church could co-exist with an entire abolition of patronage. If they were to give the patronage to the male heads of families in communion with the Established Church, it would lead to contests and animosities throughout the country, which would not always be tempered with a regard for sacred things, or for the real interest of the Church. He was aware that an opinion prevailed to the effect that those who were opposed to the principle of the measure under discussion were by that means opposing popular right. He had all his life been the advocate of liberal measures based on constitutional principles, and in resisting this bill he conceived he was adopting a course which, more than any other, would tend to secure practical toleration, religious peace, and civil and religious liberty.

The Marquess of *Breadalbane* thought that if their Lordships did not pass some measure similar to that which had been laid on the Table, the destruction of lay patronage would be the inevitable consequence. He would remind their Lordships that the Church of Scotland was not merely an ecclesiastical corporation, as the laity had a full and fair portion of its authority. It had been asserted that the agitation in Scotland was merely a clerical agitation, but he was quite convinced that the people generally fully participated in the dislike to the present system. Neither was it of late date, for he could assure their Lordships that he had been a candidate for a seat in Parliament immediately after the Reform Bill, and that he was on that occasion pressed on all hands on the subject of Church patronage. He would entreat their Lordships to approach the question in a spirit of Christian benevolence, and to act up to the advice given by the Duke of Wellington in a letter to his noble Friend the noble Duke who had introduced the bill. It enlarged on the advantage of a State connexion, preserving the spiritual powers of the Church intact, and expressed a hope that such a settlement would be arrived at as would at once preserve existing rights and satisfy the reasonable wishes of the people. If they wish to come to a fair decision on the question they should consider it on Presbyterian grounds, and with a careful recollection of the feelings of the people. The Scottish people were strongly attached to their religion; they had made great sacrifices for it, and they would look with great suspicion on any attempt at tampering with its rules. The noble Marquess concluded by expressing his intention to express himself more fully on the merits of the bill when it should come on for a second reading.

The Earl of *Haddington* admitted the agitation which existed on this subject in Scotland, but contended that it was more of a clerical character than otherwise. It was an agitation not springing from the people, but from a party. It was natural enough that if the people were told no man ought to be intruded on them against their will, they should agree in the sentiment; but the agitation which had been thus excited had not, he contended, been either general or spontaneous, and instead of increasing it was at present on the decline. It was true, that giving power to the Church in Scotland was at the same time, to a great extent, granting power to the laity; but he apprehended that the power proposed to be given would be given in an improper way. In short, it would be nothing more nor less than the old veto.

The Earl of *Roden* observed, that though this was, as the noble Marquess called it, an exclusively Scotch question, he could not refrain from taking a deep interest in it, owing to the grateful recollection which he had of the service which the clergy and people of Scotland had rendered to him on a question which he had deeply at heart—he meant the question of national education. He would not express any opinion on this bill that night; but would reserve himself for a future occasion, when it should be again under discussion. That some measure was necessary on this subject was now admitted on all hands. He trusted that, whatever measure their Lordships might ultimately pass, it would be one calculated to tranquillize the people of Scotland, and to enable the clergy of the Church of that country to carry on the administration of its affairs in that manner which had hitherto proved so eminently useful.

The Marquess of *Normanby* observed, that it was contrary to the usages of their Lordships' House, and was likely to prove practically inconvenient, to bring on a discussion without notice on the first reading of a bill. He merely rose to say, that neither he nor any other noble Lord must be considered as pledged either to the principles or to the details of this bill, because they did not upon this occasion offer any objection to them.

The Earl of *Aberdeen* observed, that it was doubtless contrary to the usages of the House to raise a discussion on the first reading of a bill. The usual, indeed he might say the invariable, practice was to lay a bill on the Table, and have it read a first time without remark. The explanation of, and the discussion on, the bill took place on the second reading. But, as the noble Duke had made a speech on the first reading of this bill, and had then deferred the second reading of it till after the meeting of the General Assembly of the Church of Scotland, he had thought it necessary to offer a few observations to their Lordships in behalf of the view which he had formerly taken on this subject.

Bill read a first time.

Explanation of Felony.] The *Lord Chancellor* said, that their Lordships were aware that in former times there existed a custom called benefit of clergy, by which persons who could claim benefit of clergy were exempted from the operation of the law. In the time of Edward 6th an act was passed giving to Members of that House the same benefit. An act was passed in 1828, by which benefit of clergy was abolished, but no provision was made with regard to benefit of peerage, and doubts were entertained, he did not say that he entertained doubts, as to whether, notwithstanding the act of 1828, the benefit of the act of Edward 6th remained in force with regard to the Members of that House. He had no hesitation in saying that there was not a Member of that House who would wish any doubt to remain on this subject, and it was to put an end to any doubt that might exist that he introduced the present measure, for the purpose of distinctly and explicitly declaring that benefit of peerage should be abolished. The noble and learned Lord moved the first reading of the bill.

Bill read a first time.

Adjourned.

HOUSE OF COMMONS,

Thursday, May 6, 1841.

Minutes.] Bill. Read a second time:—Exchequer Bills.

Petitions presented. By Mr. Gillon, Mr. Warburton, Mr. Brotherton, and other hon. Members, from Aberdeen, Cumberland, Norfolk, and various other places, for a Repeal of the Corn-laws.—By Sir W. R. Clayton, from several places, against a Repeal of the Corn-laws.—By Mr. Muntz, Mr. Alston, Mr. R. Currie, Mr. Busfeild, and other hon. Members, from Birmingham, Hertfordshire, Northampton, and other places, for the Abolition of Church Rates, and the Release of Mr. Baines.—By Mr. Fox Maule, Mr. Blennerhasset, Sir R. Bateson, and others, from Antrim, and various other places, for the Abolition of Church Patronage in Scotland.—By Sir G. Staunton, from Portsmouth, against Working Dogs.—By Mr. Wodehouse, from the Guardians of a Poor-law Union in Norfolk, against any Alteration in the Appointment of Officers of Unions.—By Sir R. Bateson, from the county of Down, against Railroad Travelling on the Lord's Day, and for a Better Observance of the Sabbath. —By Mr. C. Round, from thirteen Parishes in Essex, for Church Extension; and from the Board of Guardians of the Saffron Waldon Union, for a more effectual remedy against the Fathers of Illegitimate Children.—By Mr. P. Miles, from West-India Merchants of Bristol, against any Alteration in the Sugar Duties.—By Sir G. Grey, for facilities to admit Dissenting Clergymen into Workhouses. —By Mr. Litton, from Officers of Law Courts of Ireland, for Compensation; and from certain Clergy of Ireland, for the Restoration of the Suppressed Irish Bishoprics.

Taxation — Sugar Duties.] Lord *J. Russell* gave notice, that, to-morrow evening, on the motion that the House go into a Committee on Ways and Means being put, he would move the following resolution:—

"That it is the opinion of this House, that it is practicable to supply the present inadequacy of the revenue by judicious alterations of the protective and differential duties, without any material increase of the public burdens, and that such course will at the same time promote the interest of trade, and afford relief to the industrious classes, and that this House considers that such course is best calculated to provide for the maintenance of the public safety and the general welfare of the country."

Viscount *Howick* wished to know in what manner the amendment was to be moved?

Lord *J. Russell* said, that the amendment would be moved as he stated yesterday.

Sir *R. Peel* said, that, he supposed the Chancellor of the Exchequer would move that the Speaker do leave the Chair, and upon that question his noble Friend (Lord Sandon) would move his amendment. The question would then be, that the words proposed to be left out stand part of the question. In case that proposition were affirmed, the House would then go into committee; in case it were negatived, the noble Lord would then move his amendment.

Viscount *Howick* said, it seemed to him that that was an extremely inconvenient course, as it would lead to two debates and two divisions. If it was meant to take the sense of the House upon which of the two resolutions should be adopted, it appeared to him that, instead of his noble Friend moving the ways and means, the noble Member for Liverpool should be allowed precedence, and upon that motion that his noble Friend could move his resolution, upon which the sense of the House could be taken.

Sir *R. Peel* said, that, of course, the noble Lord would first bring forward the general question, which would enable his (Sir R. Peel's) noble Friend to take the sense of the House on the sugar duties. If the noble Lord were to withdraw his motion, his noble Friend would not have an opportunity of submitting his resolution, as many might object to vote for his noble Friend, if his proposition were merely volunteered and not introduced, in consequence of the course adopted by the Government. He was sure the noble Lord (Lord J. Russell) would adhere to the announcement which he had already made as to his plan of financial policy.—Subject at an end.

POOR-LAWS.] Mr. *Walter* wished to ask the noble Lord if it was his intention to persevere with the bill for the amendment of the Poor-laws.

Lord *J. Russell* said, that it was his intention to persevere with the bill, and that he should bring it on, on the 17th of May.

Mr. *Walter* would give notice, that on that day he should submit a motion to the House, the object of which would be to arrest the further progress of that measure.

CHINA—RECALL OF CAPTAIN ELLIOT.] Sir *R. Peel* wished to know whether there had been any recent arrivals from China which would enable the noble Lord to give the House any information as to the present state of our relations with that country?

Lord *J. Russell* could not say whether there had been any arrivals yesterday, but the previous arrivals had not enabled him to furnish any additional information.

Mr. *Goulburn* said, that information brought by recent arrivals, had appeared in the papers of that day.

Sir *R. Peel* referred to the *Gazette* accounts, and wished to know if the Government had ratified the treaty which had been said to have been entered into between the Plenipotentiaries of the two countries?

Lord *J. Russell* said, that the Government had received information of certain preliminary arrangements which had been entered into by the Plenipotentiaries of the two Powers. Those preliminary arrangements, however, did not appear to have been ratified by the Emperor of China—indeed it did not appear that they had been finally settled between Captain Elliot and the Plenipotentiary appointed by the Chinese government. That arrangement was generally disapproved of by her Majesty's Government, but no further steps could be taken until they received further accounts, stating more particularly what that treaty contained.

Sir *R. Peel* was desirous of knowing, considering the distance of the scene of operations, whether hostilities had already been discontinued?

Lord *J. Russell* said, a truce had been entered into, and by the last accounts, that truce had not been put an end to, but he could not say, that hostile operations might not be recommenced.

Mr. *Hume* said, he wished to know whether a report that had been circulated was correct, namely, that the Government had recalled Captain Elliot, and appointed Sir Henry Pottinger in his stead? The public were anxious to know whether such were the case.

Lord *J. Russell* said, that it was true that Sir H. Pottinger had received the appointment of Plenipotentiary to China, and was about to depart immediately for that country, Captain Elliot having beeen recalled.

EGYPT.] Mr. *Hume* wished to know if there were any despatches from Egypt to the effect that matters were adjusted between the Pacha and the Porte, according to the plan to which England was pledged.

Lord *J. Russell* could not, while negotiations were in progress, enter into any account of what had been done recently.

CONVICTS AT WOOLWICH.] Viscount *Mahon* wished to put a question to the Under-secretary of State for the Home Department. He had seen in the public papers accounts of the increased mortality in the hulks, and that great numbers of convicts had died; and it was stated, that the governor had attributed the cause of the disease to the accumulation and crowding together of the convicts by the direction of the noble Lord. He wished to know whether the Government had received any official information regarding this? He also wished to know whether any evidence could be given of the former coroner's inquests which had been ordered to be given to that House two months ago?

Mr. *F. Maule* said, it was true, that there had been a considerable increase of disease amongst the convicts; but he had been given to understand, that that had occurred not only at the hulks, but also amongst the military. He could assure the noble Lord and the House, that there was no place in which greater attention was given, or where there was greater capability of attending to the convicts when overtaken with sickness, than in the hulks. It was impossible to prevent epidemics at times coming amongst those unfortunate people. He should be quite ready to furnish the noble Lord and the House with any information which they might desire on this or any other point. With reference to the evidence taken by coroners, the noble Lord must be aware, that that rested entirely on their discretion, and that their notes were private. He believed, that there was no authority which could compel a judge to give up his private notes; so there was no authority to compel a coroner to surrender his private notes. There was no doubt whatever but that the coroner would be most happy to furnish a copy of his notes.

OFFICIAL AND DECLARED VALUE.] Mr. *G. Palmer* wished to learn from the right hon. Gentleman why the present mode of ascertaining the Value of Exports and Imports was preserved, and what was the difference between the Official and the Declared Value.

Mr. *Labouchere* said, that with regard to the manner of making out the official value in the Customs, as calculated in the returns, he believed, that the data on which they were calculated had been the same for the last 150 years. Those data did not represent actual value, but quantities. With regard to the declared value, it was stated on the declaration of the exporting merchant, or broker on oath.

DESTRUCTION OF THE CAROLINE.] Mr. *Hume* moved for a Copy of the Correspondence between the Legation of the United States in London and the Secretary of State for the Foreign Department in relation to the Destruction of the Steam-boat Caroline; also a copy of the correspondence between Mr. Fox, the British Minister at Washington, and the Secretary of the United States, in relation to the destruction of the steam-boat Caroline; also a copy of the correspondence between the Lieutenant-governors of Upper Canada, and the Governor-general of the Canadas, and the Secretary of State for the Colonies, in relation to the destruction of the steam-boat Caroline. He would not enter into the merits of the question, but he certainly was of opinion, that the correspondence which had been publicly laid before Congress, ought to be likewise before that House, and that if it had been produced at an earlier period it would have tended to prevent much of the excitement which prevailed on both sides of the Atlantic.

Lord *J. Russell* said, that motions relating to matters still in course of negotiation with foreign governments were so entirely unusual, and so much inconvenience to the public service would attend the production of the correspondence now moved for, that he was sure the House would not support the hon. Member for Kilkenny, who, in fact, required the production of the most confidential portion of the correspondence between the Governors of Upper and Lower Canada and the Secretary of State. He did not think the hon. Member was precisely aware how the matter stood. The Government of the United States had made a complaint of the conduct of certain individuals and officers belonging to Upper Canada, who were said to have taken a part in the destruction of the steam-boat Caroline. The result of that complaint was the transmission of a great quantity of correspondence, and various statements made by the Governor of Upper Canada and several individuals who were concerned in the transaction. The American government sent counter-statements, but they did not persist in asking for a final answer to their demand; the effect of which was, that the acts of the British Government ceased to be matter of discussion between the two Governments. It was not for the British Government to follow up these negotiations by saying to the American Government, that they must desist from their former demands; or for the United States to say, that they had been in the wrong in making such demand. All that could be expected was, that the United States Government should have allowed the subject to drop; and he was convinced, that it would have dropped, and no longer have been discussed between the two Governments, had it not been for the unfortunate arrest of Mr. M'Leod, which completely revived it, and the discussions regarding it. With regard to the correspondence now moved for, he could only say, that the production of it would be inconvenient to the public service—would tend to embarrass the negotiations which were now going on between the countries in a most amicable spirit, and might have the effect of weakening the friendly relations of two mighty and intelligent nations.

Mr. *Hume* said, that if the papers he moved for were laid upon the Table they would prove the reverse of what the noble Lord the Secretary for the Foreign Department had stated. That noble Lord had asserted, that the American government had not persisted in demanding an answer to their communication of the 22nd of May, 1838, whereas, Mr. Forsyth distinctly stated, in the correspondence which was before the world, that Mr. Stevenson would not be instructed to press for an answer, because Mr. Fox had told him, that he expected an answer direct from this country in a few days. What he wanted was, to have on the Table of the House those papers which would convince the House that the noble Lord the Secretary of State for Foreign Affairs, who on a former occasion stated, that he had transmitted an answer to the American government, never had transmitted any answer up to that hour. The right hon. Baronet the Member for Tamworth stated, some time ago, that there must be a limit to the patience of the House regarding the refusal of public documents; and, in his opinion, that time had now arrived. Had the documents connected with the affairs of Syria been produced, when he had moved for them he was convinced that the affairs of the East would have been settled much sooner, and much of the loss which the country had since sustained would have been avoided. He only wanted, in the present case, the printed correspondence; he wanted no secrets, and he hoped the House would support him in endeavouring to compel the noble Lord to produce it. Had he been furnished with it sooner, the question would have been forced upon the attention of the Government, and might before this have been completely settled.

Lord *John Russell* said, that the production of the correspondence in question would not enable the hon. Gentleman to attain the object he had in view. The American government had asked for redress for the burning of the Caroline, and to that demand her Majesty's Government had deliberately, and not through any neglect, thought it proper not to give a formal and final answer. But his noble Friend the Secretary of State for Foreign Affairs had since informed the American Minister at the Court of London, that the British Government had justified the destruction of the Caroline; upon which the American Minister made a communication to his government, which communication had not yet transpired. His noble Friend (Lord Palmerston) was therefore perfectly justified in the statement he had made on a former occasion.

Mr. *Hume* said, that since the 22nd of May, 1838, when the American Government sent a communication to Lord Palmerston, requesting satisfaction up to the present, or, at least, up to the period at which he (Mr. Hume) last introduced the question to the notice of the House, no answer had been given, verbally or by letter, to that communication; so that the House had been entirely misled and abused by the allegation of the noble Lord, that n answer had been given.

Sir *Robert Peel* understood the noble Lord the Secretary for the Colonies to meet the motion of the hon. Member by declaring, that negotiations connected with the subject were now pending, that they were conducted on both sides in an amicable spirit, and that the production of the correspondence moved for would be prejudicial to the public service. Now, he confessed that a statement of that kind, coming from the Minister of the Crown, was, with him (Sir Robert Peel), conclusive. Without offering any opinion upon the unfortunate state of ignorance they were in at present respecting our foreign relations; he must say, that it would be most unwise to attempt to force a Minister of the Crown to produce a correspondence after such a declaration as the noble Lord had made. He wished to ask the noble Lord what position Mr. M'Leod himself was in at present. He understood that the British Government had avowed the destruction of the Caroline as a public act, and had called on the Government of the United States to release Mr. M'Leod. In what position did the matter now stand? Would he be released, or would the law be allowed to take its course?

Lord *John Russell* said, that the statement made in answer to Mr. Fox was, that the attorney-general of the United States government had proceeded to the place at which the trial of Mr. M'Leod was expected to take place, and would there act according to certain instructions he had received from the American government, which he (Lord John Russell) did not deem it necessary to state to the House; that the Attorney-general had not himself taken any steps in the matter; but that the counsel for M'Leod having stated, that one of his defences was, that the act had been authorised by the British Government, applied to have the case removed to a federal court, and that that application was granted. He trusted that the American government would, when in a federal court, do that which he was told they could only do in a federal court.

Mr. *W. S. O'Brien* hoped the noble Lord would not refuse those documents which had already appeared in the American papers. Surely no inconvenience would arise from their production.

Sir *Robert Peel* hoped the noble Lord would refuse them, as he thought that the application for or granting of just so much information as another country published would be very derogatory to the British Parliament. The statements already published were of an *ex parte* character, and might give a most unfavourable view of the case as regarded this country. So that by agreeing to the suggestion of the hon. Gentleman, they might be giving their sanction to these unfavourable and perhaps unjust statements.

Sir *D. L. Evans* could not understand the object of pressing for papers which hon. Gentlemen had already read, after the declaration of the noble Lord.

Mr. *P. Howard* thought, that at a time when this country, as well as the United States, were deploring the loss of the able chief magistrate of that country, it was highly indelicate to press such a motion as this just as the new governor was undertaking the management of the United States. He believed that there was a strong feeling on both sides of the Atlantic for the preservation of the amicable relations between the two countries. The great commercial body was particularly anxious on the subject, and was particularly desirous that the greatest deliberation should attend the conducting of those negotiations. He trusted the motion would not be pressed.

Mr. *T. Duncombe* observed, that according to the right hon. Baronet, the Member for Tamworth, this country should not possess the same information as was possessed by other countries. They only asked for the papers relating to the arrest of Mr. M'Leod, and why the British Parliament should not have them as well as the Congress of the United States, he was at a loss to conceive. Whether that information were withheld or not, he wished to know if the Government intended to allow the trial of Mr. M'Leod to be proceeded with; because the feeling throughout the country was this—that our national honour was compromised by the detention in prison of Mr. M'Leod. The guilt or innocence of Mr. M'Leod had nothing to do with the question, as it was notorious that the Government would escape from the dilemma by the proof of Mr. M'Leod's not having been present at the destruction of the Caroline. But Mr. M'Leod had been arrested and detained in prison, and if they had a right to detain him, they had a right to try him, and if to try him, to execute him, should he be found guilty. What he wanted to know, therefore, was, whether, in the event of such a verdict, the Government intended to allow Mr. M'Leod to be executed? Because, if not, they should have stopped the matter *in limine*, and not allowed him to be thrown into prison. Suppose Captain Drew was travelling in the United States, was arrested, tried, and found guilty, would it be borne, that an English officer was so to be treated by a foreign country for obeying the orders of his own Government? He asked, therefore, did the Government mean to allow Mr. M'Leod's trial to proceed? He had been already imprisoned for six months, and the people of England had a right to know why.

Sir *R. Peel* observed, that the question was not whether Mr. M'Leod—respecting whose arrest and imprisonment he (Sir R. Peel) would give no opinion whatever—ought to be released or not, but whether these papers, the production of which the noble Lord had told them, would be prejudicial to the negotiations which were now being carried on in an amicable spirit between the two countries, should be laid upon the Table of the House.

Motion negatived.

Mr. Vizard's Appointment.] Colonel *Sibthorp* rose to call the attention of the House to the appointment of Mr. William Vizard as Solicitor to the Home department. He had intended to bring the matter forward on the proposal of the miscellaneous estimates, but when he found the vacillating conduct of the Government with respect to the time of moving those estimates, he felt it his duty to the country to introduce this as a substantive motion, and he was supported strongly in taking the sense of the House on this appointment by the correspondence laid on the Table. First, he must remark on the period selected by the noble Lord the Secretary for the Home department for making the application to the Treasury for this appointment. That application was made on the 6th of August, 1840—Parliament was prorogued on the 11th, and the answer was not given till the 13th, two days after that prorogation This of itself did seem extraordinary. No doubt the secret appointment of this individual had taken place before, but it was kept from the public till Parliament was up. The next thing was, that the noble Lord thought the best way of paying this gentleman was by professional bills; why the noble Lord should fix on this method of payment, would probably never come before the House; but the Treasury thought this mode of proceeding would not be satisfactory to the public, and they, not the noble Lord, fixed the payment of 1,500*l.* a-year as salary. Again, there was no formal warrant for the appointment; and he might have his suspicions as to the cause of withholding that formal appointment. Upon what grounds did the appointment take place? The noble Lord said, for the more convenient despatch of the legal business of this department, which had considerably increased of late years, and which ought to be conducted by a gentleman whose exclusive services might be secured. From the Government of the Duke of Portland in 1798, during forty-three years, with eighteen changes, down to 1840, including the period of the Manchester riots under Lord Castlereagh, the state of excitement of the trial of Queen Caroline, and the Newport riots, he found that the duties of the Home-office were carried on satisfactorily to the public, without imputation as to the manner in which those duties were performed, and there had been no exclusive solicitor to the Home-office. There was nothing extraordinary in the circumstances of 1840 that required a change, except, indeed, the conduct of the Chartists, arising from a want of caution and firmness on the part of the Government. They had heard a great deal of the improvement of the people, and yet last year was the first time for the creation of this new office. Then it was said that this gentleman was to hold no other office, and yet this very gentleman, against whom he (Colonel Sibthorp) would say nothing, as he was personally unknown, had held for eleven years, and did still hold, the office of secretary of bankrupts under the Lord Chancellor. By one of the returns, too, it appeared that a Mr. Vizard was deputy-registrar of bankrupts but he was informed that it was a Mr. John Vizard, and whether he was a son or brother he did not know. He had inquired into the emoluments of Mr. W. Vizard, and he found that, as secretary of bankrupts, he received since 1835, a salary of 1,200*l.* a year, and he also received the 1,500*l.* a year from his present appointment. He had received, since his appointment as secretary of bankrupts, during a period of eleven years, no less than 18,141*l.*17*s.*9*d.* for fees and salary. The gentleman, therefore, was pretty well paid without any further appointment; yet he was to have an additional 1,500*l.* a year from the period of his first appointment, when there was no knowledge of the appointment. As a guardian of the public purse, no necessity for the office being shown, he (Colonel Sibthorp) must pursue the straight-forward course of objecting to the appointment. The noble Lord ought to have come down to the House, and asked its sanction to the creation of this new office. It had been promised that Mr. Vizard would resign his former appointment in the Bankruptcy Court, but he (Colonel Sibthorp) was prepared to assert, that that Gentleman had no intention of doing anything of the kind. He should conclude by moving, that it is the opinion of the House that the creation of a new office, as Solicitor to the Home Department, is unnecessary, and that no sufficient reason has been shewn to the House for the appointment of Mr. W. Vizard to that office. He should certainly take the sense of the House upon this resolution, and if he were defeated upon it, he should reserve to himself the opportunity of again opposing this appointment on the salary being voted in the estimates.

Mr. *F. Maule* said, that in meeting the motion of the hon. and gallant Member with a direct negative, he should occupy the attention of the House for as short a time as possible, whilst he stated the grounds upon which he considered the appointment of Mr. Vizard, as Solicitor to the Home Department, was justified. For some time past a great increase of business had fallen to the share of the Home Department, arising out of a great number of new acts of Parliament which had been passed of late years, as, for instance, the Municipal Corporations Act. For the convenience of the public applications and questions relative to the construction of these enactments had been submitted to that department, and the points involved in those applications were such, that although it was not considered necessary to refer them to the law officers of the Crown, still it was considered absolutely necessary that they should be referred to some one competent to give a legal opinion upon them. For some time the Home Department availed itself of the services of the Solicitor to the Treasury, but at length it was represented to his noble Friend, that such matters did not properly fall within the duties contracted for by that Gentleman; and that he could not, consistently with the due discharge of his regular duties, undertake them in addition. It was then found that almost every other department of Government had a solicitor of its own to conduct its business, and it was determined that the Home Department should, in like manner, appoint a solicitor of its own. With respect to the expenses of such appointment, he would only state two important items which the solicitor appointed would have to undertake, and the amount of which alone would nearly pay the salary allotted to that appointment, namely, the drawing of contracts, amounting in the last five years to an average of 300*l*., and expenses connected with the police commissions, amounting to about 800*l*. a-year. Now, with respect to the charge made by the hon. and gallant Member, that this appointment was hurried to completion immediately after the close of the last Session of Parliament, he would only state, that the subject had been for a long time under discussion, and that the appointment only bore date the 1st of January. The appointment was such, that the whole of the time of Mr. Vizard, was at the disposal of the Home Department. With respect to Mr. Vizard's holding at the same time another office under the Crown, he would observe, that it was no new practice for a person holding the office of Secretary to the Bankruptcy Court to hold another appointment under the Crown. When, however, Mr. Vizard received the appointment of Solicitor to the Home-office, it was put to him that he should give up his office as Secretary to the Court of Bankruptcy; and it was only on account of the unsettled state of the whole of the question relating to the affairs of the Court of Bankruptcy, that Mr. Vizard had not yet made his election between the two offices. A bill, however, was about to be brought in very soon by the Lord Chancellor, which would regulate the whole of the business of the Bankruptcy Court. By that means, the office of Secretary to the Court would be altogether abolished, and it was only for the convenience of the public that Mr. Vizard held the office in the interim. He thought he had now said sufficient to establish the expediency of the appointment of Mr. Vizard as Solicitor to the Home-office, and was content to leave the question entirely in the hands of the House.

Mr. *Hume,* before the House came to a division, wished to ask the Attorney-general, whom he saw in his place, whether he had correctly understood the fact from the hon. Member, the Under Secretary of the Home Department, that a bill to regulate the Court of Bankruptcy was about to be brought forward by her Majesty's Government.

The *Attorney General* said, he believed it was true, that the Lord Chancellor would, in the course of the present Session, bring forward a bill to regulate the proceedings of the Court of Bankruptcy, and he hoped when it was before the House, it would be such as to meet with general approbation. With regard to the appointment of Mr. Vizard as Solicitor to the Home-office, he (the Attorney-General) had taken no part, directly or indirectly, in that appointment, but, at the same time, he felt bound to say, that he knew of no person who could more efficiently perform the duties of that office than that person, who was a gentleman of the highest honour and integrity.

Mr. *Goulburn* suggested to his hon. and gallant Friend, that the question could be more conveniently brought forward when the time came for voting the money to be paid to the officer of whose appointment he complained. Without intending to say anything in the slightest degree disparaging to Mr. Vizard, he did not consider that sufficient grounds had been made out for the appointment by the hon. Gentlemen opposite, and he (Mr. Goulburn) would rather have the opinion of the Attorney-general on important points relating to the municipal law and other matters of a like nature, than the opinion of any solicitor whatever. He would, however, advise his hon. and gallant Friend not to press his motion for the present, but reserve it until the estimates were brought forward, though, if his hon. and gallant Friend did divide, he should vote with him.

Colonel *Sibthorp* said, that at the present hour, when hon. Members were all so anxious to get home to dinner—he should not trouble the House by a division, but comply with the suggestion of his right hon. Friend.

Motion negatived.—Adjourned.

INDEX.

INDEX

TO

HANSARD'S PARLIAMENTARY DEBATES,

VOLUME LVII.

BEING THE SECOND VOLUME OF SESSION 1841.

☞ *The* (*) *indicates that no Debate took place upon that Reading.*

ABERDEEN, Earl of
- Candlish, Mr. — Professorship (Edinburgh), 1247, 1248
- Church of Scotland, 65, 70, 109, 849, 1020, 1386, 1485, 1488
- Newfoundland—The House of Assembly, 391

Abinger, Lord
- Cornwall, Duchy of, 1066

Abolition of the Punishment of Death see *Death—Criminal*

Absence, Leave of—Barristers, c. 75, 84

Acland, Sir T. D.
- Poor Law Commission, Com. *cl.* 19, 785
- Registration of Voters (Ireland), Com. *cl.* 2, 1241

Adam, Admiral Sir C.
- Laroche, Captain, Petition of, 355

Adjournment, c. 935

Administration of Justice (*No.* 1)—*Court of Chancery*, c. Com. *cl.* 7, 1024; *cl.* 19, 1027; *cl.* 25, 1039; *cl.* 29, *ib.*; *cl.* 35, *ib.*; *cl.* 53, 1042; *cl.* 56, 1043; Amend. [*o. q.* A. 70, N. 73, M. 3], 1053; Mr. Hayter's Proviso, 1446

———————— *in Boroughs* see *Criminal*

Advocate, The Lord (Right hon. A. Rutherfurd)
- Registration of Voters (Scotland), 2R. 286

Aglionby, Mr. H. A.
- Administration of Justice (No. 1) Com. *cl.* 29, 1039
- Coroners, County, Com. *cl.* 6, 1464
- Criminal Justice in Boroughs, Com. *cl.* 1, 1438

Aglionby, Mr. H. A.—*continued.*
- Death Punishment, Abolition of, Com. 1430
- Poor Law Commission, Com. *cl.* 27, 838

Ainsworth, Mr. P.
- Criminal Justice in Boroughs, Com. *Add. cl* 1444
- Poor Law Commission, Com. *cl.* 19, 786

Alston, Mr. R.
- Laroche, Captain, Petition of, 288, 289, 349, 359
- Petitions, Printing, 572

Argyll, Duke of
- Candlish, The Rev. Mr., 451
- Church of Scotland, 1384, 1478

Arms (*Ireland*), c. 1R.* 934; 2R. 962

Army Estimates, *c.* 34 see *Yeomanry*

Arrestment of Wages (*Scotland*), c. 1R.* 611; 2R.* 876

Ashburton, Lord
- China, 1243
- Corn Laws, 1474, 1476
- Drainage of Buildings—Report, 769
- Metropolis Improvement, 2R. 1066
- Rum, East and West-India, 2R. 515, 518
- State of the Country, 1250
- West-India Mails, 1157

Ashley, Lord
- Poor Law Commission, Com. *cl.* 10, 677

Attorney General, The (Sir J. Campbell)
- Absence, Leave of—Barristers, 84
- Administration of Justice (No. 1) Com. *cl.* 7, 1024; *cl.* 19, 1027, 1029, 1038; *cl.* 29, 1039; *cl.* 53, 1043
- Charitable Trusts, Leave, 570
- Church Rates — Petition of William Baines, 315

Attorney General, The—*continued.*
County Courts, 2R. 177, 184
Criminal Justice in Boroughs, Leave, 316, 455; Com. 930, 933, 1431; *add. cl.* 1436, 1438, 1439, 1440, 1442, 1443
Death Punishment, Abolition of, Com. *cl.* 4, 1416
Evidence, 2R. 104
Poor Law Commission, Com. *cl.* 1, 508; *cl.* 3, 623; *cl.* 8, 673; *cl.* 17, 748
Vizard, Mr., Appointments of, 1502

Attwood, Mr. M. W.
Budget, The, 1371
Poor Law Commission, 478, 480; Com. *cl.* 1, 504; *cl.* 6, 672; *cl.* 22, 796

Australia see *New South Wales — South Australia.*

Baines, Mr. E.
Burgesses, Enrolment of, Leave 315
Church Rates—Petition of William Baines, 310, 314

Baines, William see *Church Rates*

Banking Co-partnerships, c. 3R.* 1152

Bankruptcy, Insolvency and Lunacy, c. 2R.* 141

Baring, Hon. W. B.
Colonial Duties, Com. 921, 922, 923, 924, 925

Baring, Right hon. F. T. *see* Chancellor of the Exchequer

Barneby, Mr. J.
Coroners, County, Com. *cl.* 3, 1456; *cl.* 21, 1473

Barristers see *Absence, Leave of*

Berkeley, Hon. C. F.
Drainage of Land, Com. 589
Severn Navigation, 73

Berkeley, Hon. F. H. F.
Severn Navigation, 327
West-India Mails, 1153

Berkeley, Hon. G. C. G. F.
Drainage of Land, 2R. 287
Severn Navigation, 327

Bernal, Mr. R.
Colonial Duties, Com. 923, 924, 925
Criminal Justice in Boroughs, Com. *cl.* 1, 1439
Poor Law Commission, Com. 46; *cl.* 1, 2nd Amend. 483; *cl.* 2, Amend. 613, 614; *cl.* 6, 672; *cl.* 18, 774; *cl.* 25, 830, 833
Registration of Voters (Ireland), Com. *cl.* 2, 1186, 1237, 1289
South Western Railway, Report, 291, 292

Biddulph, Mr., l. 1138 see *Crimes*

Birmingham Riots, l. 968

Blackstone, Mr. W. S.
Poor Law Commission, Com. *cl.* 4, 646; *cl.* 10, 729
St. Alban's Committee, 807, 827

Blake, Mr. M. J.
South Western Railway, Report, 291, 294

Boldero, Captain H. G.
Supply, 103, 282

Bolling, Mr. W.
Criminal Justice in Boroughs, Com. 930, 931; *add. cl.* 1444

Borough Improvements, l. 2R.* 512; Report, 768, 1152, 1293; 3R. 1451—see *Drainage of Buildings*

Bramston, Mr. T. W.
Yeomanry—Supply, 14

Breach of Privilege "Morning Chronicle," c. 1403

Breadalbane, Marquess of
Church of Scotland, 842, 849, 1487

Bridges, County see *County*

———, *Waterloo, &c. c.* 1161, 1165

Briscoe, Mr. J. I.
Administration of Justice (No. 1) Com. *cl.* 7, 1026

Brotherton, Mr. J.
Budget, The, 1371
Church Rates—Petition of William Baines, 310
Coroners, County, Com. *cl.* 6, 1461
Criminal Justice in Boroughs, Com. *cl.* 1, 1439
Death Punishment, Abolition of, Com. *cl.* 5, 1424
Poor Law Commission, Report, 430
Registration of Voters (Ireland), Com. *cl.* 2, 1232

Bruges, Mr. W. H. L.
Criminal Justice in Boroughs, Com. *cl.* 1, 931; *cl.* 2, 932
Poor Law Commission, Com. *cl.* 10, 700

Buckingham, Duke of
Corn Laws, 1372

Budget, The, c. 1295

Buildings Regulations, l. Com. 806; Report, 1293; 3R. 1453

Buller, Mr. C.
Administration of Justice (No. 1) Com. *cl.* 7, 1026; *cl.* 19, 1035; *cl.* 56, 1052
Criminal Justice in Boroughs, Com. *cl.* 1, 1437
Death Punishment, Abolition of, Com. *cl.* 4, 1420
New South Wales, 983

Buller, Mr. E.
Poor Law Commission, 476; Com. *cl.* 30, 840

Burgesses, Enrolment of, c. Leave, 315; 2R.* 1453

Callaghan, Mr. D.
Registration of Voters (Ireland), Com. *cl.* 2, 1190

Calthorpe, Lord
  Borough Improvements, Report, 1293

Campbell, Sir J. *see* Attorney General, The

Canada, c. 17 see *St. Sulpice—Caroline, The*

Canals, Sunday Traffic on, l. 1018 ; Com. moved for, 1069

Candlish, The Rev. Mr., l. 451 ; *c.* 972 ; *l.* 1245

Canning, Right Hon. Sir S.
  Poor Law Commission, Com. *cl.* 3, 618

Cardigan, Earl of, c. 17 see *Flogging*

Caroline, Destruction of the, c. 1493

Catholic Priests—The Earl of Rosse, l. 1137

——— *Soldiers, c.* 17, 34

Census, The, c. 395 see *Population*

Chancellor of the Exchequer (Right Hon. F. T. Baring)
  Administration of Justice (No. 1), Com. *cl.* 56, 1043, 1048, 1049, 1053
  Budget, The, 1295, 1320, 1321, 1359, 1372
  Church Rates—Petition of William Baines, 312
  Consolidated Fund—Navy Estimates, Com. 395, 396, 398, 455, 457, 458, 460
  Criminal Justice in Boroughs, Com. *cl.* 1, 1439
  Dartmouth Harbour, 77
  Harbours on the South-East Coast, Com. moved for, 341
  Mails, Carrying the, on the Sabbath, 703
  New South Wales, 979, 983
  Petitions, Postage of, 84
  ——— Printing, 594
  Post-Office Regulations, 705
  Property Tax, 560
  Reeves, Mr. T., Case of, 81
  South Australia, Com. 261, 276, 399, 400
  West India Mails, Com. moved for, 1154

Chancellor, The Lord (Right Hon. Lord Cottenham)
  Chancery, Court of. 1478
  Felony, Explanation of, 2R. 1489

Chancery, Court of l. 1477

——————— *(Ireland), c.* 1R.* 702 ; 2R.* 1022, 1167

Chapman, Mr. A.
  Budget, The, 1351, 1365

Charitable Trusts, c. Leave, 569 ; 1R.* 522 ; 2R.* 752

Charleville, Earl of
  Biddulph, Mr., 1143, 1147
  Crimes (Ireland), 850, 859, 860, 868, 876, 963, 967, 968, 969

China, War in, c. 974 ; *l.* 1243 ;—*c. Recall o Captain Elliott,* 1491

Christians in Syria, c. 142 ; *l.* 608

Christopher, Mr. R. A.
  Budget, The, 1318

Church of Scotland, l. 65, 109, 842, 1020, 1377, 1478 ; 1R. 1488

——— *Patronage, l.* 1R.* 1474

——— *Rates—Petition of William Baines, c.* 305 ; *Case of,* 360 [A. 40, N. 45, M. 5], 390

Civil Contingencies, c. 963

Clerk, Sir G.
  Consolidated Fund—Navy Estimates, Com. 395, 396, 398, 456
  Copyright of Designs, Report, 589
  Newfoundland, 659
  Sugar Duties, 1454

Clive, Hon. R. H.
  St. Alban's Committee, 818

Clonmel Union see *Poor Law*

Cochrane, Sir T. J.
  Laroche, Captain, Petition of, 354

Colchester, Lord
  Canals, Sunday Traffic on, Com. moved for, 1071

Collection of Taxes see *Taxes*

Colonial Appointments, c. 359

——— *Duties, c.* 148 ; Com. 883

——— *Tariff, c.* 704, 752

Colonies see *Immigration*

Colquhoun, Mr. J. C.
  Colonial Duties, Com. 899
  Poor Law Commission, Com. *cl.* 10, 688, 700 ; Amend. 720, 726, 731

Commercial Treaty with France, l. 609

Compensation for Slaves, c. Leave, 1156

Consolidated Fund, c. 1R.* 291—*Navy Estimates,* Com. 395, 455 ; 3R.* 570 ; *l.* 1R.* 590 ; 2R.* 608 ; 3R.* 651

Conveyance, l. 1R.* 1290

Convicts in the Hulks, c. 1055, 1492

Copeland, Mr. Alderman
  Small Debts Courts, 1022

Copyhold and Customary Tenure, l. 3R.* 193 ; c. 1R.* 291 ; 2R.* 454

Copyright of Designs, c. Com. 46 ; Report, 577 ; Leave, 598 ; 2R.* 657

Corn Laws, c. 1294 ; *l.* 1372 ; *c.* 1407 ; *l.* 1474

Cornwall, Duchy of, l. 1021, 1063

Coroners, County, c. 2R. 100 ; Com. 589 ; *cl.* 2, 1455 ; *cl.* 3, 1456 ; *cl.* 6, 1459 [A. 61, N. 40, M. 21], *ib.* ; Amend. 1460 [A. 48, N. 63, M. 15], 1461 ; 2nd Div. [A. 78, N. 30, M. 48], 1462 ; 3rd Div. [A. 75, N. 27,

Coroners, County.—continued.
M. 48], 1463; 4th Div. [A. 73, N. 48, M. 25], 1465; *cl.* 14, 1466; *cl.* 16, 1467; Amend. [A. 58, N. 61, M. 3], 1469; *cl.* 21, 1470; Amend. [A. 35, N. 68, M. 33], *ib.*; 2nd Div. [A. 43, M. 58, M. 15], 1471; 3rd Div. [A. 43, N. 23, M. 20], 1473

Costs, Double see *Double*

Country, State of the, l. 1248

County Bridges, c. 3R.* 570; *l.* 1R.* 608

———*Coroners* see *Coroners*

———*Courts, c.* 2R. 172, 959

———*Rates, l.* 2R.* 608

Courtenay, Mr. P.
Criminal Justice in Boroughs, Com. *cl.* 1, 933
Poor Law Commission, 480

Cresswell, Mr. C.
Administration of Justice (No. 1) Com. *cl.* 56, 1052
Criminal Justice in Boroughs, Com. *cl.* 1, 1436; 1438

Crimes (Ireland), l. 850, 933, 963 see *Biddulph, Mr.*

Criminal Justice in Boroughs, c. Leave, 316; 2R.* 454; Com. 930; Adjournment [A. 10, N. 44, M. 34], 931; *cl.* 1, *ib.*; *cl.* 2, 932; *add. cl.* 1431 [A. 73, N. 128, M. 55], 1440; 2nd *add. cl.* [A. 31, N. 75, M. 44], 1445

———*Law, Amendment of the, c.* Leave, 47, 147

Dalrymple, Sir A.
Cardigan, Earl of, 30
Ordnance Estimates, 41
Poor Law Commission, Report, 431, 471; Com. *cl.* 25, 831, 833

Damer, Hon. Colonel G. L. D.
Poor Law (Ireland), 147

Darby, Mr. G.
Coroners, County, Com. *cl.* 6, 1465
Drainage of Lands, 2R. 287
Harbours on the South East Coast, Com. moved for, 345
Medical Reform, 2R. 333
Poor Law Commission, Com. *cl.* 1, 446, 469, 500; *cl.* 10, 734; *cl.* 17, 746, 747; *cl.* 19, 780, 781; *cl.* 23, 802; *cl.* 24, 829; *cl.* 25, 830, 831, 833, 834; *cl.* 27, 839; *cl.* 30, 840

Darlington, Earl of
Death, Punishment, Abolition of, Com. *cl.* 4, 1417

Dartmouth Harbour, c. 77

Death Punishment, Abolition of, c. Com. *cl.* 2, 1408; Amend. [A. 110, N. 122, M. 12], 1414; *cl.* 4, 1415; Amend. [A. 123, N. 61, M. 62], 1420; *cl.* 5, 1421; Amend. [A. 75, N. 83, M. 8], 1425; *cl.* 6, 1426; Amend. [A. 73, N. 100, M. 27], 1428

Denman, Lord
Waldegrave, Lord, his Case, 651

Deposits on Shares, c. 112.

Designs Copyright see *Copyright*

Divett, Mr. E.
Jews Declaration, 3R. 754, 767
South Australia, Com. 281

Divisions, List of
Administration of Justice (No. 1), Com. *cl*, 56; Amend. [*o. q.* A. 70, N. 73, M. 3], 1053.
Church Rates—Case of Wm. Baines [A. 40, N. 45, M. 5], 390
Coroners, County, Com, *cl.* 6, 1459 [A. 61, N. 40, M. 21], *ib*; Amend. 1460 [A. 48, N. 63, M. 15], 1461; 2d. Div. [A. 78, N. 30 M. 48], 1462; 3d Div. [A. 75, N. 27, M. 48], 1463; 4th Div. [A. 73, N. 48, M. 25], 1465; *cl.* 14, 1466; *cl.* 16, 1467; Amend. [A. 58, N. 61, M. 3], 1469; *cl.* 21, 1470; Amend. [A. 35, N, 68, M. 33], *ib.*: 2nd. Div. [A. 43, N. 58, M. 15], 1471; 3rd Div. [A. 43, N. 23, M. 20], 1473
Criminal Justice in Boroughs, Com. Adjournment [A. 10, N. 44, M. 34], 931; *add. cl.* [A. 73, N. 128, M, 55], 1440; 2nd *add. cl.* [A. 31, N. 75. M. 44], 1445
Death Punishment, Abolition of, Com. *cl.* 2, Amend. [A. 110, N. 122, M. 12], 1414; *cl.* 4, Amend. [A. 123, N. 61, M. 62], 1420; *cl.* 5, Amend. [A. 75, N. 83, M. 8], 1425; *cl.* 6, Amend. [A. 73, N. 100, M. 27], 1428
Drainage of Buildings, Com. The Earl of Rpon's Amend. [Contents 69, Not-Contents 36, M. 33], 1451
Harbours on the South-East Coast, Com. moved for [A. 38, N. 102, M. 64], 347
Ionian Islands, Com. moved for [A. 10, N. 28, M. 18], 1017
Jews Declaration, 2R. [A. 137, N. 24, M. 113], 99; 3R. [A. 108, N. 31, M. 77], 767
Keane Lord, Pension to, 3R. [A. 128, N. 40, M. 88] 12,
New South Wales [*p. q.* A. 8, N. 52, M. 44], 1006
Poor-Law Commission, Report [A. 217, N. 51, M. 166], 437; Com. *cl.* 1, Amend. [*o. q.* A. 191, N. 46, M. 145], 449; 2nd Amend. [*o. q.* A. 174, N. 135, M. 39], 505; *cl.* as Amend. [A. 163, N. 49, M. 114], 509; *cl.* 4 [A. 225, N. 75, M. 150], 647; *add. cl.* [A. 9, N. 155, M. 146], 670; *cl.* 8, [A. 77, N. 58, M. 19], 673; Amend. [A. 64, N. 88, M. 24], 675; *cl.* 10, Amend. [A. 172, N. 108, M. 64], 697; 2nd Amend. [A. 119, N. 32, M. 87], 732; That the *clause* stand part of the Bill [A. 141, N. 36, M. 105], 736; *cl.* 17 [A. 144, N. 23, M. 121], 749; *cl.* 18 [*r. p.* A. 18, N. 109, M. 91], 751; *cl.* 22, Amend. [A. 22, N. 216, M. 194], 797; *cl.* 23 [A. 143, N. 74, M. 69], 802
Property Tax [*p. q.* A. 27, N. 40, M. 13], 568
Reeves, Mr. T., Case of [A. 27, N. 38, M. 11], 82
Registration of Voters (Ireland), Com. *cl.* 1, Amend. [A. 270, N. 291, M. 21], 1132; *cl.* 2, Amend. [*o. q.* A. 513, N. 47, M. 466], 1223; 2nd Div. [A. 434, N. 126, M. 308], 1228; [*r. p.* A. 98, N. 428, M 330], 1232; That the *clause* stand part of the Bill [A. 289, N. 300, M. 11], 1274

- Divisions, List of.—*Continued.*
  - Severn Navigation [*o. q.* A. 74, N. 40, M. 34], 74; Lord G. Somerset's motion [A. 84, N. 117, M. 33], 329
  - Small Debts Courts, Postponement [A. 40, N. 39, M. 1], 1023
  - Stafford and Rugby Railway, 2R. [A. 94, N. 154, M. 60], 325
  - Transportation of Convicts [*p. q.* A. 49, N. 28, M. 21], 556
  - West India Mails, Com. moved for [A. 54, N. 50, M. 4], 1160
  - Yeomanry [A. 49, N. 15, M. 34], 34
- *Dog Carts,* c. 1R.* 522; 2R.* 1166
- *Double Costs,* c. 2R.* 83; 3R.* 807; *l.* 1R.* 963
- Douglass, Sir C.
  - Colonial Duties, Com. 926, 928
  - Criminal Justice in Boroughs, Com. 930, *cl.* 1, 1440, 1442
  - ——— Law, Amendment of the, 63
  - Death Punishment, Abolition of, Com. *cl.* 4, Amend. 1416, 1420
  - Poor-Law Commission, Report, 432, 841
- *Drainage of Buildings, l.* Report, 768; Com. 806, 1018, 1152, 1290; *cl.* 5, Amend. *ib.*; 1447. The Earl of Ripon's Amend. [Contents 69, Not-Contents 36, M 33], 1451; 3R. *ib.*
- ——— *Land* c. 2R. 287 [A. 31, N. 19, M. 12], 282; Com. 589
- ——— ——— *(Ireland), c.* 2R.* 395; Com. 1289
- *Drawback* see *Wines*
- *Dublin, Wide Streets,* c. Com. moved for, 772; 1R.* 876; 2R.* 956; 3R.* 1402
- *Duchy of Cornwall* see *Cornwall*
- Duncan, Viscount
  - West India Mails, Com. moved for, 1160
- Duncannon, Viscount
  - Cornwall, Duchy of, 1021, 1063, 1065, 1066
  - Drainage of Towns, Com. *cl.* 5, 1292
  - Metropolis Improvement, 2R. 1066, 1068
  - South Australia, Com. 1293
  - Tithe Composition (Ireland), 3R. *add cl.* 289, 290
- Duncombe, hon. W.
  - Poor-Law Commission, 11, 460; Com. *cl.* 4, 645
- Duncombe, Mr. T. S.
  - Caroline, Destruction of the, 1497
  - Church Rates—Petition of William Baines, 310
  - Petitions, Printing, 571, 572, 590
  - Poor-Law Commission, 43, 44, 45, 46; Com. *cl.* 1, 496; *cl.* 19, 784, 785; *cl.* 22, 788; Amend. 792 797
  - St. Alban's Committee, 808
- Dunfermline, Lord
  - Church of Scotland, 1377, 1486
- Dungannon, Viscount
  - Coroners, County, Com. *cl.* 16, 1468
  - Death Punishment, Abolition of, Com. *cl.* 2, 1408, 1413; *cl.* 4, 1417; *cl.* 5, 1423; *cl.* 6, 1427
  - Ecclesiastical Commissioners, 1454, 1455
- *East India Rum* see *Rum*
- ——— *Sugar* see *Sugar*
- Easthope, Mr. J.
  - Church Rates—Petition of William Baines, 305, 306, 307, 309, 315; Case of, 360, 388, 389
  - Petitions, Postage of, 84
  - Poor-Law Commission, 477, Com. *cl.* 1, 2nd Amend. 482
  - Severn Navigation, 328
- *Ecclesiastical Commissioners, Act Amendment, l.* 1R.* 842; 2R.* 1063, 1454
- *Education, c.* 936
- ——— *of the Working Classes,* c. Com. moved for, 114
- Egerton, Mr. W. T.
  - Coroners, County, Com. *cl.* 6, 1465; *cl.* 14, Amend, 1466
  - Poor-Law Commission, Com. *cl.* 10, 730, 746; *cl.* 30, 840
- Egerton, Rt. Hon. Lord F.
  - Budget, The, 1322
  - Criminal Justice in Boroughs, Com. *add. cl.* 1442
  - Poor-Law Commission, 461
  - St. Alban's Committee, 827
  - Stafford and Rugby Railway, 2R. 317
  - Turkey and Egypt, 144
- *Egypt* see *Turkey*
- Eliot, Lord
  - Absence, Leave of—Barristers, 77
  - Poor-Law Commission, Report, 878
  - South Australia, Com. 279
  - West India Mails, Com. moved for, 1159
- Ellenborough, Lord
  - Borough Improvements, 3R. 1453
  - Chancery, Court of, 1477
  - China, 1243
  - Drainage of Buildings, Report, 769; Com. *cl.* 5, 1290, 1293, 1448
  - Poor-Law (Ireland)—Clonmel Union, 335, 453, 1396, 1402
  - Rum, East and West India, 2R. 519; Com. 610
  - St. Sulpice, 107
- Ellice, Hon. E.
  - Poor-Law Commission, Com. *cl.* 3, 620
- *Elliott, Captain* see *China*
- Elliott, Hon. J. E.
  - Church Rates—Case of Wm. Baines, 388
  - Death Punishment, Abolition of, Com. *cl.* 5, 1424
  - St. Alban's Committee, 819

Ellis, Mr. W.
  Poor-Law Commission, 463

Embezzlement and Frauds, c. 2R* 570

Emigration of Females, c. 596

Enrolment of Burgesses see *Burgesses*

Entails Act Amendment (*Scotland*), *l.* 2R.* 1474

Estcourt, Mr. T. G. B.
  Coroners, County, Com. *cl.* 6, 1465
  Petitions, Printing, 572, 593
  Poor-Law Commission, Com. *cl.* 17, 747, 749; *cl.* 22, 796
  Severn Navigation, Report, 110
  South Western Railway, Report, 292
  Transportation of Convicts, 554

Evans, Sir De Lacy
  Breach of Privilege—"The Morning Chronicle," 1406
  Cardigan, Earl of, 25
  Caroline, Destruction of the, 1497
  Catholic Soldiers, 26
  Medical Reform, 2R. 330
  Regent's Park, 961

Evidence, Law of, c. 2R. 104

Ewart, Mr. W.
  Administration of Justice (No. 1), Com. *cl.* 35, 1042
  Colonial Duties, 165
  ————Tariff, 753
  Criminal Law, Amendment of the, Leave, 63
  Death Punishment, Abolition of, Com. *cl.* 2, 1411; *cl.* 6, 1427
  Education, 936, 949
  ———— of the Working Classes, Com. moved for, 127
  Fine Arts, The, Com. moved for, 1289
  Jews Declaration, 2R. 98
  Medical Reform, 2R., 333
  Regent's Park, 958, 962, 1166
  Turkey and Egypt, 146

Exchequer Bills, c. 1R.* 453; 2R.* 1489

————*Court of* (*Ireland*), *l.* 3R.* 138

Exchequer Chancellor of the *see* Chancellor of the Exchequer

Excise, Collection and management, c. Com. 804; 2R.* 876

Exeter, Bishop of
  St. Sulpice, 107, 108, 139, 140, 141, 194, 221, 223, 234, 239, 241, 242

Factories, c. 1R.* 611; 2R.* 970 see *Silk*

Factory Children, c. 1R.* 752, 877

Fairs, c. 454

Falmouth, Earl of
  Cornwall Duchy of, 1021, 1064, 1065
  West India Mails, 1147, 1152

Felony, Law of, Explanation of, *l.* 1R.* 1063 2R. 1489

Females, Emigration of, see *Emigration*

Fielden, Mr. J.
  Petitions Printing, 571
  Poor Law Commission, Report, 414, 462; *cl.* 2, Amend. 612, 613, 614, 615; *cl.* 4, 646; *add. cl.* 660; *cl.* 18, Amend. 751
  Property Tax, 560
  Registration of Voters (Ireland), Com. *cl.* 2, 1273

Fine Arts, The, c. Com. moved for, 1289

Fitzalan, Lord
  Emigration of Females, 596

Fitzgerald, Lord
  Poor Law (Ireland)—Clonmel Union, 336, 453

Fitzroy, Hon. H.
  Poor Law Commission, Report, 437

Fitzroy, Right Hon. Lord C.
  Ionian Islands, Com. moved for, 1006, 1015, 1016

Fitzwilliam, Earl of
  Corn Laws, 1474, 1475
  State of the Country, 1248, 1252

Fleetwood, Sir P. H.
  Poor Law Commission, Com. *cl.* 4, 630; *cl.* 11, Amend. 737, 738

Flogging on the Sabbath—The Earl of Cardigan, c. 956, 971—*In the Navy*, 1166

Follett, Sir W. W.
  Administration of Justice (No 1.), Com. *cl.* 35, 1041, 1042; *cl.* 56, 1046, 1053, 1054

France see *Commercial Treaty—Wines*

Franchise, The Ten Pound (*Ireland*) c. 1072

Frauds, see *Embezzlement*

Fremantle, Sir T.
  Poor Law Commission, Com. *cl.* 25, 831, 834

French, Mr. F.
  Registration of Voters (Ireland), Com. *cl.* 2, 1187

Freshfield, Mr. J. W.
  Dartmouth Harbour, 77
  Poor Law Commission, Com. *cl.* 19, 784
  West India Mails, Com. moved for, 1153, 1158

Frivolous Suits, *l.* 1R.* 1372

Gillon, Mr. W. D.
  Education of the Working Classes, Com. moved for, 114, 133

Gisborne, Mr. T.
  Criminal Justice in Boroughs, Com. *cl.* 1, 1439, 1440
  Poor Law Commission, Com. *cl.* 10, 735; *cl.* 18, 777
  Stafford and Rugby Railway, 2R. 317, 325

Gladstone, Mr. J. E.
  St. Alban's Committee, 823, 826

Gladstone, Mr. W. E.
  Budget, The, 1320, 1321, 1361
  Jews Declaration, 3R. Amend. 754
  Poor Law Commission, Com. *cl.* 10, 726, 730
  Rum, East India, Com. *cl.* 3, 169

Glengall, Earl of
  Poor Law (Ireland)—Clonmel Union, 3, 141, 290, 335, 336, 394, 452, 453, 1244, 1392, 1401, 1402
  ——— Records (Ireland), 106
  Tithe Composition (Ireland), 3R. *add. cl.* 290

Godson, Mr. R.
  Coroners, County, Com. *cl.* 16, 1467
  Death, Punishment, Abolition of, Com. *cl.* 4, 1418
  Insurance Companies, 1073

Gordon, Mr. R.
  Civil Contingencies, 963
  Compensation for Slaves, Leave, 1165
  Excise Regulations, 804, 805
  Taxes, Collection of, 703

Gore, Mr. W. O.
  Poor Law Commission, 11
  Severn Navigation, 72, 73

Goring, Mr. H. D.
  Poor Law Commission, Com. *cl.* 25, 831

Goulburn, Right Hon. H.
  Absence, Leave of, Barristers, 75
  Administration of Justice (No. 1), Com. *cl.* 7, 1025; *cl*, 56, 1048
  Budget, The, 1309, 1320, 1321
  China—Recall of Captain Elliott, 1491
  Church Rates—Petition of William Baines, 306
  Colonial Duties, Com. 886, 890, 922, 925
  ——— Tariff, 753
  Consolidated Fund—Navy Estimates, Com. 396, 459
  Copyright of Designs, Report, 586
  Excise Regulations, 805
  Jews Declaration, 3R. 764, 765
  Metropolitan Improvements, Com. 805
  Petitions, Printing, 592
  Poor Law Commission, Com. *cl.* 10, 679, 687, 688; *cl.* 11, 738; *cl.* 17, 746; *cl.* 18, 776; *cl.* 23, 800; *cl.* 25, 833; *cl.* 30, 840, 841, 842; Report, 882
  Property Tax, 563
  Rum, East India, Com. *cl.* 3, 168, 171; Report, 286
  Sugar, East India, 597
  Vizard Mr., Appointments of, 1502
  Yeomanry—Supply, 15

Graham, Right Hon. Sir J. R. G.
  Consolidated Fund—Navy Estimates, Com. 397, 460

Grand Jury Presentments (Dublin), c. 1R.* 454; 2R.* 657

Grant, Sir A. C.
  Rum, East India, Com. *cl.* 3, 170

Grattan, Mr. H.
  Registration of Voters (Ireland), Com. 1182; *cl.* 2, 1273

Green Park, The, c. 243, 454

Greene, Mr. T.
  Absence, Leave of—Barristers, 75
  Deposits on Shares, 113
  Laroche, Captain, Petition of, 289
  Petitions, Printing, 592

Grey, Right Hon. Sir C. E.
  Ionian Islands, 1016
  New South Wales, 1004
  Poor Law Commission, Com. *cl.* 19, 785; *cl.* 25, 834
  Registration of Voters (Ireland), Com. *cl.* 1, 1108

Grey, Right Hon. Sir G.
  Absence Leave of—Barristers, 75
  Cardigan, Earl of, 24
  Church Rates—Petition of William Baines, 311
  Education, 948
  Franchise, The Ten Pound (Ireland), 1072
  Petitions, Printing, 572

Grimsditch, Mr. T.
  Coroners, County, Com. *cl.* 14, 1467
  Criminal Justice in Boroughs, Com. *add. cl.* 1439, 1445
  Poor Law Commission, 11; Report, 424, 576; Com. *cl.* 10, 734; *cl.* 11, 738; *cl.* 15, 741; *cl.* 21, 788; *cl.* 26, 835; *cl.* 27, 837

Grote, Mr. G.
  Green Park, 454
  New South Wales, 598, 974, 1005
  Poor Law Commission, 477; Com. *cl.* 1, 483; *cl.* 10, 678; *cl.* 17, 742, 747, 749; *cl.* 22, 794, 796; *cl.* 23, 802; *cl.* 25, 831
  South Australia, Com. 277

Haddington, Earl of
  Candlish, Mr.—Professorship in Edinburgh, 1245, 1248
  Church of Scotland, 1391, 1487
  Drainage of Towns, Com. *cl.* 5, 1292, 1293, 1448, Amend. 1449

Halford, Mr. H.
  Church Rates—Case of Wm. Baines, 389
  Poor Law Commission, 576; Com. *cl.* 4, 637

Hall, Sir B.
  Marylebone Parish, 877
  Poor Law Commission, Com. *cl.* 3, 623, *cl.* 30, 840
  Regent's Park, 960

Hamilton, Captain C. J. B.
  Coroners, County, Com. *cl.* 6, 1461; *cl.* 21, Amend. 1470
  Jews Declaration, 2R. 98
  Poor Law Commission, 475; Com. *cl.* 1, 500; *cl.* 4, 642

Handley, Mr. H.
  Breach of Privilege—"Morning Chronicle," 1403, 1407

Handley, Mr. H.—*continued.*
- Budget, The, 1319
- Drainage of Land, 2R. 287; Com. 589

Harbours on the South East Coast, c Com. moved for, 337, [A. 38, N. 102, M. 64] 347

Hardinge, Right Hon. Sir H.
- Cardigan, Earl of, 30, 33—Flogging on the Sabbath, 972
- Ionian Islands, Com. moved for, 1014, 1016, 1017
- Yeomanry—Supply, 16

Hatherton, Lord
- Canals, Sunday Traffic on, 1018; Com. moved for, 1071

Hawes, Mr. B.
- Administration of Justice (No. 1), Com. *cl.* 56, 1052
- Budget, The, 1368
- Church Rates—Case of Mr. Baines, 379
- Convicts in the Hulks, 1061
- County Courts, 2R. 191
- Evidence, 2R. 104
- Excise Regulations, 805
- Fine Arts, The, Com. moved for, 1289
- Flogging on the Sabbath—The Earl of Cardigan, 971
- Medical Reform, 2R. 331
- Metropolis Improvements, Com. 805
- Poor Law Commission, Com. *cl.* 1, 492; *cl.* 10, 680, 727, 730, 731, 736; *cl.* 22, 790, 793; *cl.* 23, 801; *cl.* 26, 836; *cl.* 30, 840
- Registration of Voters (Ireland), Com. *cl.* 2, 1187
- Rum, East India, Com. *cl.* 3, 167, 171; Report 286

Hayter, Mr. W. G.
- Administration of Justice (No. 1), Com. *cl.* 56, 1054; Proviso, 1446
- St. Alban's Committee, 823

Health of the Metropolis, c. 753

Heirs of Entail (*Scotland*), *l.* 1R.* 1242

Herbert, Hon. S.
- Poor Law Commission, Com. *cl.* 1, 448

Herries, Right Hon. J. C.
- Budget, The, 1357, 1360
- Colonial Duties, Com. 904, 914, 928
- Consolidated Fund—Navy Estimates, Com. 396, 456
- Post Office Regulations, 704

Hinde, Mr. J. H.
- Budget, The, 1356
- Poor Law Commission, Com. *cl* 1, 486; Amend. 508; *cl.* 4, Amend. 624, 629, 647

Hindley, Mr. C.
- Copyright of Designs, Com. 47

Hobhouse, Mr. T. B.
- Death Punishment, Abolition of, Com. *cl.* 4, 1418

Hobhouse, Right Hon. Sir J. C.
- Rum, East India, Com. *cl.* 3, 171

Hodges, Mr. T. L.
- Jews Declaration, 2R. 84
- Ordnance Estimates, 41
- Poor Law Commission, Com. *cl.* 10, 678; *cl.* 28, 828

Hogg, Mr. J. W.
- Rum, East India, Com. *cl.* 3, 169

Hope, Mr. H. T.
- Severn Navigation, 73, 328
- South Australia, Com. 281

Houghing Cattle (*Ireland*), c. 2R.* 570; 3R.* 807

Howard, Mr. P. H.
- Caroline, Destruction of the, 1497
- Catholic Soldiers, 34
- Criminal Law, Amendment of the, 64
- Poor Law Commission, Com. *cl.* 10, 736
- Portuguese Claimants, 936

Howick, Viscount
- Absence, Leave of—Barristers, 76
- Budget, The, 1344
- Church Rates—Petition of William Baines, 306, 315
- Petitions, Printing, 590, 595
- Poor Law Commission, 469; Com. *cl.* 1, 508; *cl.* 3, 622; *cl.* 4, 640; *cl.* 23, 800, 801; *cl.* 26, 836
- Registration of Voters (Ireland), Com. *cl.* 1, 1074, 1130, 1136, 1168, 1287
- St. Alban's Committee, 820
- South Australia, Com. 261
- Sugar Duties, 1490
- Transportation of Convicts, 555

Hume, Mr. J.
- Adjournment, 936
- Administration of Justice (No. 1) Com. *cl.* 7, 1027; *cl.* 19, 1029; *cl.* 35, 1040, 1041; *cl.* 53, 1042; *cl.* 56, 1044, 1052
- Arms (Ireland), 2R. 962
- Army Estimates—Yeomanry, 34
- Breach of Privilege—"Morning Chronicle," 1406
- Budget, The, 1313, 1365
- Cardigan, Earl of, 30—Flogging on the Sabbath, 956
- Caroline, Destruction of the, 1493, 1494, 1495
- China—Recall of Captain Elliott, 1491
- Church Rates—Case of Mr. Baines, 371
- Colonial Duties, Com. 900, 922, 923, 927, 929
- Consolidated Fund, 457, 458, 459
- Copyright of Designs, Report, 578, 581, 582, 586, 588
- Coroners, County, 2R. 101; Com. *cl.* 6, 1459, Amend. 1460
- Criminal Justice in Boroughs, Com. *cl.* 1, 933; *add. cl.* 1439, 1440, 1442
- Death Punishment, Abolition of, Com. *cl.* 2, 1408; *cl.* 6, 1427
- Drainage of Land, Com. 589
- Education of the Working Classes, Com. moved for, 131
- Egypt, 1492
- Evidence, 2R. 104
- Factory Children, 877

Hume, Mr. J.—*Continued.*
Fine Arts, The, Com. moved for, 1289
Ionian Islands, Com. moved for, 1015, 1016
Jews Declaration, 2R. 91
Keane, Lord, 3R. 11
Law, New Courts of, Com. moved for, 1165
McLeod, Mr.—United States, 956
Mails, Carrying the, on the Sabbath, 703
National Monuments, Admission to, Com. moved for, 950
Newfoundland, Com. moved for, 719
New South Wales, 1004
Ordnance Estimates, 40, 42
Petitions, Printing, 572, 595
Poor Law Commission, Com. *cl.* 1, 448; *cl.* 10, 731, 734; *cl.* 22, 797
Property Tax, 562
Reeves, Mr. T., Case of, 81
Regent's Park, 960
Registration of Voters (Ireland), Com. *cl.* 2, Amend. 1183, 1186, 1190, 1218, 1227, 1236, 1237, 1269
Transportation of Convicts, 547
Vizard, Mr, Appointments of, 1501
Waldegrave, Lord, 596
West India Mails, Com. moved for, 1159

Humphrey, Mr. Alderman
Poor Law Commission, Com. *cl,* 25, 835; *cl.* 26, 837

Hutt, Mr. W.
Sound Duties, 294, 305
South Australia, Com. 262, 272

Hutton, Mr. R.
Poor Law Commission, Com. *cl.* 1, 505

Immigration into the Colonies, c. 134

Indemnity, c. 1R.* 769; 2R.* 807; 3R.* 934, 956; *l.* 1R.* 963; 2R.* 1017; 3R.* 1242

Ingestrie, Viscount
West India Mails, Com. moved for, 1158

Inglis, Sir R. H.
Christians in Syria, 142
Church Rates—Case of Wm. Baines, 373, 378
Death Punishment, Abolition of, Com. *cl.* 4, 1416; *cl.* 5, 1423, 1431
Flogging in the Navy, 1166
Ionian Islands, Com. moved for, 1015
Jews Declaration, 2R. 86; 3R. 766
Keane Lord, Pension to, 3R. 13
National Monuments, Admission to, Com. moved for, 954
New South Wales, 1003
Poor Law Commission, Com. *cl.* 27, 839
Punishment of Death, Com. *cl* 2, 1408
Regent's Park, 960
Sugar Duties, 1408

Inland Warehousing, c. 1R.* 876

Insolvent Debtors (Ireland), c. 1R.* 876; 2R.* 1294

Insurance Companies, c. 1073

Ionian Islands, c. Com. moved for 1006 [A. 10, N. 28, M. 18], 1017

Ireland see *Biddulph, Mr.—Chancery—Crimes—Drainage—Dublin—Exchequer, Court of—Franchise—Grand Jury—Houghing Cattle—Insolvent Debtors—Maynooth College—Poor Law—Rates, Collection of—Tithe Composition*

Irving, Mr. J.
West India Mails, Com. moved for, 1158

Jackson, Mr. Sergeant
Chancery Court of (Ireland), 1167
Registration of Voters (Ireland), Com. 1172, 1181

James, Mr. W.
Budget, The, 1371
St. Alban's Committee, 822

Jervis, Mr. J.
Administration of Justice (No. 1), Com. *cl.* 35, 1042; *cl.* 56, 1052
Coroners, County, Com. *cl.* 6, 1460; Amend. 1462, 1463, 1464, 1465; *cl.* 14, 1467
Criminal Justice in Boroughs, Com. *add. cl.* 1440, 1442
Registration of Voters (Ireland), Com. *cl,* 2, 1240

Jews Declaration, c. 2R. 84 [A. 137, N. 24, M. 113], 99; 3R. 754 [A. 108, N. 31, M. 77], 767; *l.* 1R.* 768

Johnson, General W. A.
Poor Law Commission, Report, 426, 476; Com. *cl.* 4, 630; *add. cl.* 669, 700; *cl.* 27, 837
Property Tax, 568

Joint Stock Companies, c. Com. moved for, 842

Jones, Mr. J.
Administration of Justice (No. 1), Com. *cl.* 56, 1052
Poor Law Commission, Com. *cl.* 4, 650; *cl.* 8, Amend. 675; *cl.* 27, 839

Keane, Lord—Pension to, c. 3R. 11 [A. 128, N. 40, M. 88], 12; That the Bill do pass, 13; *l.* 2R.* 138; 3R.* 289

Kelly, Mr. F.
Absence, Leave of—Barristers, 75
Criminal Law, Amendment of the, Leave, 57, 148
Death Punishment, Abolition of, Com. *cl.* 5, 1422; *cl.* 6, 1427, 1430
Reeves, Mr. T., Case of, 77, 81

Kerr, Mr., l. 138

Knatchbull, Sir E.
Petitions, Printing, 572, 593, 594
Poor Law Commission, Com. *cl.* 1, 439, 445, 463; *cl.* 4, 650; *cl.* 18, 777; *cl.* 19, 781; *cl.* 25, 829, 835

Knight, Mr. H. G.
Poor Law Commission, Com. *cl.* 4, 637

Labouchere, Rt. Hon. H.
Budget, The, 1351, 1366
Church Rates—Petition of William Baines, 309

Labouchere, Rt. Hon. H.—*continued.*
Colonial Duties, 148; Com. 883, 890, 892, 915, 925, 930
——— Tariff, 704, 752
Consolidated Fund—Navy Estimates, Com. 398
Copyright of Designs, Report, 577, 582
Deposits on Shares, 113
Education of the Working Classes, Com. moved for, 120, 127
Insurance Companies, 1073
Joint Stock Companies, Com. moved for, 842
National Monuments, Admission to, Com. moved for, 953
Official and Declared Value, 1493
Railways, 8
Rum, East-India, Com. *cl.* 3, 168, 170, 171; Report, 285
Severn Navigation, 73; Report, 111, 327
Sound Duties, 303
Stafford and Rugby Railway, 2R. 317
Sugar, East-India, 597
Wines, French, Drawback on, 611

Langdale, Hon. C.
Poor Law Commission, Com. *cl.* 10, 696, 697, 728

Lansdowne, Marquess of
Rum, East and West-India, 2R. 512, 516, 521; Com. 610

Laroche, Captain, Petition of, c. 281 [A. 16, N. 20, M. 4], 289, 349

Law, Hon. E.
Death Punishment, Abolition of, Com. *cl.* 5, 1423
Petitions, Printing, 571
Transportation of Convicts, 549

Law, New Courts of, c. Com. moved for, 1162

—— *Proceedings,* c. 1R.* 1294

Leader, Mr. J. T.
Poor Law Commission, 463; Com. *cl.* 3, 621; *cl.* 25, 834

Lease and Release, c. 3R.* 395; *l.* 2R.* 1474

Lefevre, Rt. Hon. C. S. *see* Speaker, The

Lemon, Sir C.
Poor Law Commission, Com. *cl.* 10, 682
West-India Mails, Com. moved for, 1153

Lichfield, Bishop of
Canals, Sunday traffic on, Com. moved for, 1070

London, Bishop of
Christians in Syria, 608
Metropolis Improvements, 2R. 1067

Lucas, Mr. E.
Corn Laws, 1294
Registration of Voters (Ireland), Com. *cl.* 2, 1191, 1203

Lushington, Rt. Hon. S.
Poor Law Commission, Com. *cl.* 10, 721, 726; *cl.* 17, 748; *cl.* 19, 785; *cl.* 22, 794; *cl.* 25, 830, 834; *cl.* 27, 839

Lynch, Mr. A. H.
Administration of Justice (No. 1), Com. *cl.* 19, 1031: *cl.* 35, 1041

Lyndhurst, Lord
Borough Improvements, Report, 1293; 3R. 1451; Amend. 1453
Drainage of Buildings, Com. 1019, 1020; *cl.* 5, 1293, 1447
Solicitor to the Home-Office, 1021, 1022

Macauley, Rt. Hon. T. B.
Army Estimates—Yeomanry, 34
Cardigan, Earl of, 30—Flogging on the Sabbath, 956, 971
Catholic Soldiers, 31
Jews Declaration, 3R. 761, 765

Mackenzie, Mr. W. F.
Taxes, Collection of, 703

Mackinnon, Mr. W. A.
Harbours on the South-East Coast, Com. moved for, 343
Immigration into the Colonies, 134
National Monuments, Admission to, Com. moved for, 950
South Australia, Com. 263
Wines, French, Drawback on, 611

Maclean, Mr. D.
Coroners, County, Com. *cl.* 16, 1467
Medical Reform, 2R. 331

McLeod, Mr.—United States, l. 1; c. 955

Madhouses (Scotland), c. 1R.* 702

Mahon, Viscount
Convicts in the Hulks, 1055, 1056, 1492
Death Punishment, Abolition of, Com. *cl.* 5, 1424
New South Wales, 984
Transportation of Convicts, 522
Van Diemen's Land, 1455

Mails, carrying the, on the Sabbath, c. 703

Marine Mutiny, c. 1R.* 8; 2R.* 72; 3R.* 291; *l.* 1R.* 334; 2R.* 391; 3R.* 512

Marylebone Parish, c. 876

Maule, Hon. F.
Candlish, Mr.—Biblical criticism (Edinburgh), 972
Census, The, 395
Convicts at Woolwich, 1492
Coroners, County, 2R. 101; Com. *cl.* 6, 1460, 1465; *cl.* 16, 1468; *cl.* 21, 1470; Amend. 1472, 1473
County Courts, 2R. 172, 189, 193, 958
Criminal Justice in Boroughs, Com. 930
Emigration of Females, 597
Factory Children, 877
Fairs, 454
Health of the Metropolis, 753
Poole Union—Peter Rickets and Rebecca Moore, 772
Poor Law Commission, Com. 43, 44, 45; *cl.* 3, 621; *cl.* 6, 673, 701; *cl.* 11, 737, 738; *cl.* 15, 739; *cl.* 22, 789, 792; *cl.* 25, 830, 833; Report, 882
Scott, Sir W., Monument to, Leave, 288

Maule, Hon. F.—*continued.*
Small Debts Courts, 1022, 1023
Transportation of Convicts, 550
Vizard, Mr., Appointments of, 1500
Waldegrave, Lord, 596
Yeomanry—Supply, 14

Maynooth College, c. 1R.* 590

Medical Reform (*No.* 2), c. 2R. 330

Melbourne, Viscount
China, 1243
Christians in Syria, 609
Church of Scotland, 69, 70, 1384
Commercial Treaty with France, 609
Corn Laws, 1374, 1376
McLeod, Mr.—United States, 3
St. Sulpice, 236
West-India Mails, 1149

Melville, Viscount
Church of Scotland, 1391
Drainage of Buildings, Com. *cl.* 5, 1291, 1449
West-India Mails, 1152

Metropolis Improvements, c. Com. 805; *l.* 1R.* 933; 2R. 1066; 3R.* 1242 see *Bridges*

Mildmay, Mr. P. St. J.
Absence, Leave of—Barristers, 75
St. Alban's Committee, 816

Miles, Mr. P. W. S.
Putative Fathers, Leave, 82

Miles, Mr. W.
Drainage of Land, 2R. 287
Poor Law Commission, Report, 427

Milnes, Mr. R. M.
Death Punishment, Abolition of, Com. *cl.* 5, 1423
Jews Declaration, 2R. 99; 3R. 766

Minto, Earl of
St. Sulpice, 140
West India Mails, 1151

Molesworth, Sir W.
New South Wales, 997
South Australia, Com. 399

Monteagle, Lord
Rum, East and West India, 2R. 518; Com. 610

Morpeth, Viscount
Arms (Ireland), 2R. 962
Chancery, Court of (Ireland), 1167
Colonial Duties, Com. 924
Drainage (Ireland), Com. 1289
Dublin, Improvement of, Com. moved for, 772
National Monuments, Admission to, Com. moved for, 955
Poor Law Commission, 1455
———— (Ireland), 147
Registration of Voters (Ireland), 958, 970, 971; Com. 1074; *cl.* 1, 1091, 1179; *cl.* 2, 1186, 1227, 1253

Mount Cashell, Earl of,
Drainage of Towns, Com. *cl.* 5, 1292
McLeod, Mr.—United States, 1

Municipal Annuities, c. 1R.* 934

Muntz, Mr. G. F.
Criminal Justice in Boroughs, Com. *cl.* 1, 933
Poor Law Commission, 481; Com. *cl.* 1, 505; *cl.* 3, 624; *cl.* 10, 697; *cl.* 19, 781
Property Tax, 558

Mutiny, c. 1.R* 8, 2R.* 72, 3R.* 291; *l.* 1R.* 334, 2R.* 391, 3R.* 512

National Monuments, Admission to, c. Com. moved for, 950

Navy Estimates, see *Consolidated Fund*

Newfoundland—The House of Assembly, l. 391; *c.* 611, 657; Com moved for, 705

New South Wales, c. Mr. Grote's Resolution, 598, 974 [*p. q.* A. 8, N. 52, M. 44], 1006, see *Convicts*

Nichol, Dr. J.
Church Rates—Case of Mr. Baines, 375, 380

Normanby, Marquess of
Biddulph Mr., 1138, 1146, 1147
Birmingham Riots, 969
Borough Improvements, 3R. 1452, 1453
Buildings Regulations, Com. 806
Canals, Sunday Traffic on, Com. moved for, 1069, 1071
Candlish, Rev. Mr., 452, 1247
Catholic Priests—The Earl of Rosse, 1138
Church of Scotland, 66, 71, 1488
Crimes (Ireland), 854, 857, 867, 875, 933, 966, 967, 969
Drainage of Buildings, Report, 768; Com. 806, 1018, 1019, 1020, 1152, 1290, 1292, 1447, 1448, 1449, 1450, 1451
Kerr Mr., 138
Metropolis Improvements, 2R. 1068
Newfoundland—The House of Assembly, 393
Poor Law Ireland—Clonmel Union, 7, 141, 290, 334, 335, 336, 453, 807, 1244, 1396, 1397, 1400, 1401
———— Records (Ireland), 105, 106
St. Sulpice, 106, 107, 108, 139, 140, 214, 237, 238, 241, 242
Solicitor to the Home Office, 1022
Waldegrave Lord, his case, 656

Norreys, Sir C. D. O. J.
Registration of Voters (Ireland), Com. *cl.* 2, 1190

O'Brien, Mr. W. S.
Caroline, Destruction of the, 1496
Drainage (Ireland), Com. 1289
Education, 942
Registration of Voters (Ireland), Com. *cl.* 2, 1189, 1403

O'Connell, Mr. D.
Administration of Justice (No 1), Com. *cl.* 7, 1026
Army Estimates—Yeomanry, 34
Canada, 18
Cardigan, Earl of, 17

O'Connell, Mr. D.—*continued.*
Catholic Soldiers, 21, 34
Coroners County, Com. *cl.* 3, 1457, 1458
Death, Punishment, Abolition of, Com. *cl.* 2, 1409 ; *cl.* 4, 1417
Registration of Voters (Ireland), Com *cl.* 1, 1114, 1115, 1128, 1136 ; *cl.* 2, 1187, 1204, 1218, 1228, 1232, 1237, 1242, 1271
West India Mails, Com. moved for, 1158

O'Connell, Mr. J.
Colonial Appointments, 359
Newfoundland, 659 ; Com. moved for, 720
Rum, East India, Com. *cl.* 3, 171

O'Ferrall, Mr. R. M.
Consolidated Fund, 456
Flogging in the Navy, 1166

Offences against the Person, c. 2R.* 454

Official and Declared Value, c. 1493

Ordnance Estimates, c. 35, 282

———— *Survey,* c. 2R.* 141 ; Com. 510, 772

Paget, Colonel F.
Absence, Leave of—Barristers, 76, 77

Pakington, Mr. J. S.
Coroners, County, 2R. 100 ; Com. *cl.* 2, 1456 ; *cl.* 3, 1457, 1458 ; *cl.* 6, 1460, 1465 ; *cl.* 14, 1466 ; *cl.* 16, 1467, 1468 ; *cl.* 21, 1472
Newfoundland, 611, 657, 658 ; Com. moved for, 705
Transportation of Convicts, 545

Palmer, Mr. G.
Colonial Duties, 165 ; Com. 920
Official and Declared Value, 1493
Poor Law Com. *cl.* 15, 740

Palmer. Mr. R.
Deposits on Shares, 113
Poor Law Commission, Com. *cl.* 1, 447

Palmerston, Viscount
Adjournment, 935, 936
Christians in Syria, 143
McLeod Mr.—United States, 955
Portuguese Claimants, 936
Sound Duties, 300
Turkey and Egypt, 144, 145, 146

Parker, Mr. J.
Reeves, Mr. T., Case of, 80
South Australia, Com. 281

Parker, Mr. R. T.
Poor Law Commission, Report, 416 ; Com. *cl.* 6, Amend. 672 ; *cl.* 10, 734 ; *cl.* 15, 741 ; *cl.* 27, 839

Parks—Fairs, see *Green Park—Regent's Park*

Parliamentary Burghs (Scotland), c. 1R.* 454, 2R.* 876

———— *Voters (Ireland),* see *Registration*

Patten, Mr. J. W.
Criminal Justice in Boroughs, Com. *add. cl.* 932, 933, 1431, 1436, 1438, 1439, 1440
South Western Railway, Report, 291

Pattison, Mr. J.
Absence, Leave of, Barristers, 75

Pease, Mr. J.
Sound Duties, 304
South Western Railway, Report, 292

Pechell, Captain G. R.
Harbours on the South East Coast, Com. moved for, 344
Laroche, Captain, Petition of, 357
Poor Law Commission, Recommittal, 43, 612 ; *cl.* 3, 624 ; *cl.* 19, 779, 785 ; *cl.* 25, 833, 834

Peel, Right Hon. Sir R.
Absence, Leave of, Barristers, 76, 84
Administration of Justice (No. 1), Com. *cl.* 56, 1049
Budget, The, 1304, 1328, 1336, 1360
Cardigan, Earl of, 32
Caroline, Destruction of the, 1495, 1496, 1498
China, War in, 974—Recall of Captain Elliott, 1491
Church Rates—Petition of William Baines, 312 ; Case of, 383
Colonial Tariff, 704
Consolidated Fund, 460
Convicts in the Hulks, 1057, 1059
Copyright of Designs, Report, 585, 588
Coroners, County, Com. *cl.* 3, 1457, 1458
Death, Punishment, Abolition of, Com. *cl.* 4, 1418
Dublin, Improvement of, Com. moved for, 772
Education of the Working Classes, Com. moved for, 123, 131
Harbours on the South East Coast, Com. moved for, 346
Ionian Islands, Com. moved for, 1015
Newfoundland, 659
New South Wales, 982, 998
Ordnance Survey, Com. 511
Petitions, Printing, 572, 594, 595
Poor Law Commission, 10 ; Com. *cl.* 1, 442, 576 ; *cl.* 2, 614 ; *cl.* 3, 619, 623 ; *cl.* 4, 645 ; *cl.* 10, 691, 696, 699, 700, 720 ; *cl.* 11, 738 ; *cl.* 15, 739, 740 ; *cl.* 17, 747 ; *cl.* 22, 789, 794 ; *cl.* 23, 800, 801
Railways, 8
Registration of Voters (Ireland), Com. *cl.* 1, 1121, 1131, 1136, 1174 ; *cl.* 2, 1204, 1217, 1241, 1284
St. Alban's Committee, 824
Sound Duties, 301
South Australia, Com. 261, 269
Stafford and Rugby Railway, 2R. 319
Sugar Duties, 1490
Turkey and Egypt, 144

Pemberton, Mr. T.
Administration of Justice (No 1), Com. *cl.* 19, 1031 ; *cl.* 35, 1039, 1041 ; *cl.* 56, 1050

Petitions, Postage of, c. 84

———— *Printing,* c. 571, 590

Philips, Mr. M.
Budget, The, 1349
Copyright of Designs, Report, 585
Criminal Justice in Boroughs, Com. *cl.* 1, 933 ; *add. cl.* 1434, 1436, 1438, 1440, 1442, 1445
Property Tax, 567
Stafford and Rugby Railway, 2R. 318

Pigot, Right Hon. D. R.
Registration of Voters (Ireland), Com. *cl.* 2, 1188

Planta, Right Hon. J.
Harbours on the South East Coast, Com. moved for, 339

Plumptre, Mr. J. P.
Harbours on the South East Coast, Com. moved for, 346

Polhill, Captain F.
Death, Punishment, Abolition of, Com. *cl.* 4, 1420
Poor Law Commission, 1455

Pollock, Sir F.
County Courts, 2R. 172
Poor Law Commission, Com. *cl.* 3, 616

Poole Union—Peter Rickets and Rebecca Moore, c. 701, 769

Poor Law Commission, c. Recommittal, 9, 43; Report, 400 [A. 217, N. 51, M. 106], 437; *cl.* 1, 439; Amend. 445 [*o. q.* A. 191, N. 46, M. 145], 449, 460; 2nd. Amend. 482 [*o. q.* A. 174, N. 135, M. 39], 505; *clause* as amended [A. 163, N. 49, M. 114], 509, 572; *cl.* 2, 612; *cl.* 3, 615; *cl.* 4, 624 [A. 225, N. 75, M. 150], 647; *add cl* 660 [A. 9, N. 155, M. 146], 670; *cl.* 6, 672; *cl.* 8 [A. 77, N. 58, M. 19], 673; Amend. [A. 64, N. 88, M. 24], 675; *cl.* 10, 676; Amend. [A. 172, N. 108, M. 64], 697; 2nd Amend. [A. 119, N. 32, M. 87], 732; That the *clause* stand part of the Bill [A. 141, N. 36, M. 105], 736; *cl.* 11, 737; *cl.* 15, 739; *cl.* 17, 741 [A. 144; N. 23, M. 121], 749; *cl.* 18, [*r. p.* A. 18, N. 109, M. 91], 751, 773; *clause* withdrawn, 777; *cl.* 19, 778; *clause* struck out, 788; *cl.* 21, *ib.*; *cl.* 22, *ib.*; Amend. [A. 22, N. 216, M. 194], 797; *cl.* 23, 799 [A. 143, N. 74, M. 69], 802; *cl.* 24, 828; *clause* struck out, 829; *cl.* 25, *ib.*; Amend. [A. 38, N. 136, M. 98], 835; *cl.* 26, *ib.* [A. 115, N. 66. M. 49], 837; *cl.* 27, *ib.* [A. 130, N. 69, M. 61], 840; *cl.* 30, *ib.*; *clause* withdrawn, 841; Report, 877; *l.* 1252; c. 1455, 1491, see *Poole Union*

——— *(Ireland)—Clonmel Union*, *l.* 3, 141; c. 147; *l.* 290, 334, 394, 452, 610, 657, 769, 806, 1244, 1392

——— *Records* (*Ireland*) *l.* 105

Population Acts Amendment, c. 1R.* 611, 2R.* 657; *l.* 1R.* 768, 2R.* 806; 3R.* 842

Portuguese Claimants, c. 936

Postage see *Petitions*

Post Office Regulations, c. 704

Pringle, Mr. A.
Absence, Leave of—Barristers, 76
Jews Declaration, 3R. Amend. 760

Printing Petitions see *Petitions*

Property Tax, c. 557 [*p. q* A. 27, N. 40, M. 13], 568

Pryme, Mr. G.
Poor Law Commission, Com. *cl.* 25, Amend, 835

Pusey, Mr. P.
Budget, The, 1365, 1371

Putative Fathers, c. Leave, 82; 1R.* 83; 2R.* 570

Rae, Right Hon. Sir W.
Registration of Voters (Scotland), 2R. 286
Scott, Sir W., Monument to, Leave, 288

Railways, c. 8 see—*South Western—Stafford and Rugby—Turnpike Roads*

Rates, Collection of (Dublin), c. 1R.* 454; 2R.* 657

Rawdon, Colonel J. D.
Ionian Islands, Com. moved for, 1016

Reeves, Mr. T., Case of, c. 77 [A. 27, N. 38, M. 11], 82

Regent's Park, c. 958, 1166 see *Metropolis Improvements*

Registration of Voters (Ireland), (No. 1), c. 1403

——— (———), (No. 2), c. 113, 958, 970; Com. *cl.* 1, 1074; Amend. [A. 270, N. 291, M. 21], 1131, 1167; *cl.* 2, 1183; Amend. [*o. q.* A. 513, N. 47, M. 466], 1223; 2nd Division [A. 434, N. 126, M. 308], 1228; [*r. p.* A. 98, N. 428, M. 330], 1232; Adj. Debate, 1253; That the *clause* stand part of the Bill [A. 289, N. 300, M. 11], 1274

——— *(Scotland)*, c. 2R. 286

Reid, Sir J. R.
Budget, The, 1368

Resignation, c. 1403

Rice, Hon. F. R.
Harbours on the South-East Coast, Com. moved for, 337, 347
Poor Law Commission, Com. *cl.* 4, 649

Richards, Mr. R.
Administration of Justice (No. 1), Com. *cl.* 7, 1024

Richmond, Duke of
Kerr, Mr., 138

Ripon, Earl of
Corn Laws, 1375
Drainage of Buildings, Com. 1020, 1448, 1450, 1451
St. Sulpice, 108, 226, 227

Roche, Mr. W.
Death Punishment, Abolition of, Com. *cl.* 2, 1413
Registration of Voters (Ireland), Com. *cl.* 2, 1218

Roden, Earl of
Church of Scotland, 1391, 1488

Rolleston, Colonel L.
Poor Law Commission, 473; *cl.* 4, 642; *cl.* 23, 800

Roman Catholic Soldiers see *Catholic*

Rosebery, Earl of
Church of Scotland, 109, 1486

Rosse, Earl of see *Catholic Priests*

Royal Burghs (Scotland), c. 1R.* 454; 2R.* 876

Rum, East and West India, c. Com. *cl.* 3, 167; Report, 285; 3R. 291; *l.* 1R.* 334; 2R. 512; Com. 610; 3R.* 702

Russell, Right Hon. Lord J.
Administration of Justice (No. 1), Com. *cl.* 7, 1025, 1027; *cl.* 25, 1039; *cl.* 35, 1040, 1041; *cl.* 56, 1050, 1051
Breach of Privilege—"Morning Chronicle," 1406
Budget, The, 1323, 1326, 1336, 1370
Canada, 29
Cardigan, Earl of, 28
Caroline, Destruction of the, 1493, 1495, 1496
Catholic Soldiers, 29
China, War in, 974—Recall of Captain Elliott, 1491, 1492
Church Rates—Case of Wm. Baines, 367
Colonial Appointments, 360
————Duties, Com. 908
Consolidated Fund — Navy Estimates, Com. 397
Convicts in the Hulks, 1055, 1056, 1059, 1060, 1063
Copyright of Designs, Report, 588
Corn Laws, 1294, 1407
Criminal Law, Amendment of the, Leave, 47, 147
Death Punishment, Abolition of, Com. *cl.* 2, 1408; *cl.* 4, 1418; *cl.* 5, 1422; *cl.* 6, 1426, 1430
Ecclesiastical Commissioners, 1455
Egypt, 1492
Emigration of Females, 597
Fine Arts, The, Com. moved for, 1290
Ionian Islands, Com, moved for, 1012, 1016
Jews Declaration, 2R. 92
Marylebone Parish, 877
Newfoundland, 611, 658, 659, 660; Com. moved for, 715
New South Wales, 987
Petitions, Printing, 572, 593
Poor Law Commission, Re-committal, 9, 10, 11, 45, 46; Report, 400, 408; *cl.* 1, 441, 445, 446, 448, 461, 463, 483, 572, 576, 577; *cl.* 2, 612, 613, 614; *cl.* 3, 618, 626; *cl.* 4, 627, 632, 647, 650, 671; *cl.* 6, 672, 673; *cl.* 10, 676, 678, 685, 687, 699, 700, 701, 727, 731; *cl.* 15, 741; *cl.* 17, 742, 746; *cl.* 18, 752, 775, 777; *cl.* 19, 779, 786; *cl.* 21, 788; *cl.* 23, 800, 801, 802; *cl.* 24, 828; *cl.* 25, 829, 831, 832, 833, 834, 835; *cl.* 27, 837, 839; *cl.* 30, 840, 841, 842; Report, 878, 881, 1491
Registration of Voters (Ireland), Com. *cl.* 1, 1116, 1131, 1136, 1137, 1167; *cl.* 2, 1187, 1191, 1232, 1239, 1242, 1274, 1279
Resignation, 1403

Russell, Right Hon. Lord J.—*continued.*
St. Alban's Committee, 827
South Australia, Com. 243, 260, 274
Sugar Duties, 1407, 1454, 1489, 1490
Transportation of Convicts, 525, 541
Yeomanry—Supply, 16

Rutherfurd, Right Hon. A. *see* Advocate, the Lord

St. Alban's Committee, c. 807

St Sulpice (Canada), *l.* 106, 139, 194

St. Vincent, Viscount
Rum, East-India, Com. 610

Salisbury, Marquess of
Drainage of Buildings, Com. 1018, 1019; *cl.* 5, Amend. 1290, 1291, 1292, 1293, 1449

Salmon Fisheries, c. 1R.* 807
————————*(Scotland)*, c. 1R.* 395; 2R.* 1453

Salwey, Colonel H.
Cardigan, Earl of, 33

Sandon, Viscount
Budget, The, 1325, 1368
Colonial Duties, Com. 929
Jews Declaration, 3R. 766
Poor Law Commission, Com. *cl.* 3, 622; *cl.* 4, 635; *cl.* 10, 726, 729; *cl.* 18, 778
Sugar Duties, 1407, 1408
Turkey and Egypt, 145, 146

Sanford, Mr E. A.
Reeves, Mr. T., Case of, 81
St. Alban's Committee, 811

Scarlett, Hon. J. Y.
Administration of Justice (No. 1), Com. *cl.* 56, 1053

Scholefield, Mr. J.
Property Tax, 557, 568

Scotland see *Arrestment—Candlish, Rev. Mr.—Church—Heirs of Entail—Madhouses—Parliamentary Burghs—Royal Burghs—Salmon Fisheries*

Scott, Sir W., Monument to, c. Leave, 288

Seale, Sir J. H.
West-India Mails, Com. moved for, 1160

Severn Navigation, c. 72 [*o. q.* A. 74, N. 40, M. 34], 74; Report, 110; Lord G. Somerset's Motion, 327 [A. 84, N. 117, M. 33], 329

Sewers, c. 1R.* 242; 2R.* 1152

Shares, Deposits on see *Deposits*

Shaw, Right Hon. F.
County Courts, 2R. 192
Criminal Law, Amendment of the, Leave, 62
Drainage (Ireland), Com. 1289
Medical Reform, 2R. 330
Registration of Voters (Ireland), Com. *cl.* 2, 1214

- Sheil, Right Hon. R. L.
  - Copyright of Designs, Com. 46, 47; Report, 588
  - Registration of Voters (Ireland), Com. *cl.* 2, 1206
  - South Western Railway, Report, 291

- Sibthorp, Colonel C. D. W.
  - Budget, The, 1325
  - Civil Contingencies, 963
  - Consolidated Fund—Navy Estimates, Com. 398
  - Convicts in the Hulks, 1062
  - Corn Laws 1294
  - Coroners, County, 2R. 101
  - County Courts, 2R. 191
  - Drainage of Land, 2R. 287
  - Excise Regulations, 805
  - Poole Union — Peter Rickets and Rebecca Moore, 701, 769
  - Poor Law Commission, Report, 414; *cl.* 1, 441, 445, 449, 471, 508; *cl.* 6, 673, 701; *cl.* 10, 730; *cl.* 17, 744, 749; *cl.* 18, 752; *cl.* 21, 788; *cl.* 23, 802; *cl.* 25, 829, 832; Report, 882, 883
  - Property Tax, 567
  - Registration of Voters (Ireland), Com. *cl.* 1, 1136
  - Resignation, 1403
  - Vizard, Mr., Appointments of, 1498, 1502

- *Silk Factories, c.* 1R.* 702; 2R.* 970

- Sinclair, Sir G.
  - Candlish, Mr.—Biblical Criticism (Edinburgh), 972

- Slaney, Mr. R. A.
  - Death Punishment, Abolition of, Com. *cl.* 5, 1424
  - Fairs, 454
  - Health of the Metropolis, 753
  - Poor Law Commission, Report, 431, 463; Com. *cl.* 4, 638; *cl.* 10, 690, 729; *cl.* 11, 738; *cl.* 19, 781
  - Registration of Voters (Ireland), Com. *cl.* 2, 1228, 1289

- *Slaves, Compensation, for* see *Compensation*

- *Small Debts Courts Postponement, c.* 1022 [A. 40, N. 39, M. 1], 1023

- Smith, Mr. R. V.
  - South Australia, Com. 266
  - Van Diemen's Land 1455

- Solicitor General, The (Sir T. Wilde)
  - Administration of Justice (No. 1), Com. *cl.* 7, 1025
  - Coroners, County, *cl.* 14, 1466, 1467; *cl.* 16, 1468
  - Law, New Courts of, 1162
  - Poor Law Commission, Com. *cl.* 19, 782; *cl.* 27, 837, 839

- *Solicitor to the Home Office, l.* 1021 see *Vizard Mr.*

- Somerset, Lord G. C. H.
  - Census, The, 395
  - Coroners, County, Com. *cl.* 16, 1467, 1468
  - Ordnance Survey, Com. 510, 511, 772, 773
  - Poor Law Commission, Report, 414; *cl.* 1, 445, 447, 612; *cl.* 4, 631, 650; *cl.* 8, Amend, 673, 675; *cl.* 10, 677, 695, 699; *cl.* 17, 742, 746, 748, 749; *cl.* 18, Amend. 752, 773, 774, 778; *cl.* 19, 783, 788; *cl.* 25, 832, 833; *cl.* 26, 836; *cl.* 27, 837, 838, 839; *cl.* 30, 840
  - Severn Navigation, 73, 327, 328
  - South Western Railway, Report, 294

- *Sound Duties c.* 294

- *South Australia, c.* Com. 243, 399, 1R.* 702, 2R.* 769; *l.* 1R.* 963, 2R.*1242; Com. 1293

- —— *Western Railway, c.* Report, 291

- Speaker, The (Right Hon. C. S. Lefevre)
  - Adjournment, 936
  - Consolidated Fund, 458
  - Copyright of Designs, Report, 587
  - Petitions, Printing, 571
  - Poor Law Commission, Report, 401
  - Syria, Acknowledgement of Vote of Thanks from Sir R. Stopford, 935

- *Stafford and Rugby Railway c.* 2R. 317 [A. 94, N. 154, M. 60], 325

- *Stamp Duties, c.* 1R.* 1294

- Stanhope, Earl of
  - Borough Improvements, 3R. 1453
  - China, 1244
  - Poor Law, 1252
  - State of the Country, 1250

- Stanley, Hon. E. J.
  - Absence, Leave of—Barristers, 77
  - Green Park, The, 243, 454
  - Metropolis Improvements, Com. 805
  - Regent's Park, 959, 961, 962, 1167

- Stanley, Right Hon. Lord
  - Absence, Leave of—Barristers, 76
  - Church Rates—Petition of William Baines, 308, 315
  - Franchise, The Ten Pound (Ireland), 1073
  - Newfoundland, 658
  - Poor Law Commission, Com. *cl.* 10, 682; *cl.* 11, 739; *cl.* 15, 741
  - Registration of Voters (Ireland), 113; Com. *cl.* 1, 1109, 1137; *cl.* 2, 1212, 1262, 1273, 1403
  - South Australia Com. 252, 262, 275
  - Stafford and Rugby Railway, 2R. 322, 327

- *State of the Country,* see *Country*

- Stewart, Mr. J.
  - Administration of Justice (No. 1), Com. *cl.* 19, 1038
  - Charitable Trusts—Leave, 569

- Strangford, Viscount
  - Commercial Treaty with France, 609

- Strickland, Sir G.
  - Coroners, County, 2R. 101; Com. *cl.* 21, 1470
  - Harbours on the South East Coast, Com. moved for, 345
  - Poor Law Commission, Com. *cl.* 1, 501

Stuart, Mr. W. V.
Administration of Justice (No. 1), Com. *cl.* 56, 1053

Suffolk, Earl of
St. Sulpice, 239

Sugar Duties, c. 1407, 1454, 1489

—— *East India*, c. 597

Sugden, Right Hon. Sir E. B.
Administration of Justice (No. 1), Com. *cl.* 7, 1024, 1025, 1027 ; *cl.* 19, 1029, 1037 ; *cl.* 25, 1039 ; *cl.* 35, 1040, 1041 ; *cl.* 56, 1051
County Courts, 2R. 179, 189, 958
Poor Law Commission, 462

Sunday Traffic on Canals see *Canals*

Supply, c. 103,282, 1063 see *Army—Canada—Cardigan, Earl of—Catholic Soldiers—Ordnance—Yeomanry*

Syria—Sir R. Stopford's acknowledgement of Vote of Thanks, c. 935 see *Christians*

Talfourd, Mr. Sergeant
Death Punishment, Abolition of, Com. *cl.* 2, 1411

Tariff, Colonial see *Colonial*

Taxes, Collection of, c. 703

Teignmouth, Lord
Marylebone Parish, 876
Poor Law Commission, Com. *cl.* 10, 725
Reeves, Mr. T., Case of, 81
Regent's Park, 960

Ten Pound Franchise (*Ireland*) see *Franchise*

Tennent, Mr. J. E.
Copyright of Designs, Com. 46, 47 ; Report, 577, 578, 588 ; Leave, 598

Thomas, Colonel H.
Ordnance Estimates, 41

Thompson, Mr. Alderman
Budget, The, 1366, 1367

Thornely, Mr. T.
Budget, The, 1371

Tithe Composition (*Ireland*), *l.* 3R.* 138 ; *add. cl.* 289

Titles Recovery, c. 2R.* 395 ; 3R.* 769 ; *l.* 1R.* 806

Trade of British Possessions Abroad, c. 1R.* 934

Transportation of Convicts, c. [*p. q.* A. 49, N. 28, M. 21], 556

Troubridge, Sir E. T.
Medical Reform, 2R. 331

Turkey and Egypt, c. 144, 1492

Turner, Mr. E.
Property Tax, 559

Turnpike Acts Continuance, c. 3R.* 83 ; *l.* 3R.* 702

———————— (*Ireland*), c. 3R.* 522 ; *l.* 1R.* 590 ; 2R.* 608 ; 3R.* 702

————*Roads and Highways*, c. 1R.* 769 ; 2R.* 1166, 1402

United States see *M Leod, Mr.*

Van Diemen's Land, c. 1455

Verney, Sir H.
Poor Law Commission, Report, 415, 469 ; Com. *cl.* 4, 636 ; *cl.* 10, 728 ; *cl.* 15, 739 ; *cl.* 19, 786

Villiers, Hon. C. P.
Budget, The, 1362
Colonial Duties, Com. 916, 922, 928
Poor Law Commission, Com. *cl.* 1, 501
Sound Duties, 305

Vivian, Mr. J. E.
County Courts, 2R. 193

Vivian, Right Hon. Sir R. H.
Ionian Islands, Com. moved for, 1016
Ordnance Estimates, 35, 41, 42, 284
———— Survey, Com. 510, 511, 773
West India Mails, Com. moved for, 1155
Yeomanry—Supply, 16, 17

Vizard, Mr. Appointments of, c. 1498 see *Solicitor*

Voters Registration of see *Registration*

Wages see *Assessment*

Wakley, Mr. T.
Adjournment, 936
Administration of Justice (No. 1), Com. *cl.* 19, 1038
Budget, The, 1339
Convicts in the Hulks, 1062
Coroners, County, 2R. 102 ; Com. *cl.* 2, 1455 ; *cl.* 3 Amend. 1457, 1458 ; *cl.* 6, 1461, 1463 ; *cl.* 14, 1466, 1467 ; *cl.* 16, *ib.*, 1468 ; *cl.* 21, 1470, 1472
Criminal Justice in Boroughs, Com. *cl.* 1, 1438, 1489
Education of the Working Classes, Com. moved for, 129
Green Park, The, 243
Medical Reform, 2R. 331
Poor Law Commission, 10 ; Report, Amend. 400, 401, 416, 433, 464, 470, 479 ; Com. *cl.* 1, 487, 502 ; *cl.* 2, 613, 614 ; *cl.* 3 Amend. 615, 624, 639, 671 ; *cl.* 10, 735 ; *cl.* 18, 774 ; *cl.* 19, 778, 786 ; *cl.* 21, 788 ; *cl.* 22, 789, 794 ; *cl.* 24, 828 ; *cl.* 25, 831 ; Report 878, 882
Property Tax, 564
Regent's Park, 961
Registration of Voters (Ireland), Com. *cl.* 2, 1237
St. Alban's Committee, 825

Waldegrave, Lord, c. 596 ; *l.* 651

Walter, Mr. J.
Poor Laws, 1491

Warburton, Mr. H.
Cardigan, Earl of, 27

Warburton, Mr. H.—*continued.*
Church Rates—Petition of William Baines, 308
Colonial Duties, Com. 924
Copyright of Designs, Report, 583, 588
Coroners, County, 2R. 100, 101; Com. *cl.* 6, 1461, 1464
Deposits on Shares, 112, 113
Rum, East India, Com. *cl.* 3. 170
Severn Navigation, 328

Ward, Mr. H. G.
Budget, The, 1321
Church Rates—Petition of William Baines, 311
Colonial Duties, Com. 929
New South Wales, 1003
Poor Law Commission, 479, 480; Com. *cl.* 4, 629; *cl.* 10, 729, 730, 731; Amend. 733; *cl.* 18, 777
Registration of Voters (Ireland), Com. *cl.* 2, 1190

Warwick, Earl of
Birmingham Riots, 969
Drainage of Towns, Com. 1450

Wellington, Duke of
Borough Improvements, 3R. 1451
China, 1243
Drainage of Towns, Com. 1447, 1451
Poor Law (Ireland)—Clonmel Union, 334, 806, 1398, 1400
——— Records (Ireland), 105
St. Sulpice, 230, 240
South Australia, Com. 1293

West-India Mails, l. 1147; *c.* Com. moved for, 1153 [A. 54, N. 50, M. 4], 1160

Westmeath, Marquess of
Biddulph, Mr., 1147
Catholic Priests—The Earl of Rosse, 1137
Crimes (Ireland), 968
Poor Law (Ireland)—Clonmel Union, 1400

White, Mr. A.
Colonial Duties, 166; Com. 923
Sound Duties, 304

Wicklow, Earl of
Biddulph, Mr., 1146
Crimes (Ireland), 967
Drainage of Buildings, Com. *cl.* 5, 1291, 1448
Metropolis Improvements, 2R. 1066
Poor Law (Ireland)—Clonmel Union, 453, 1401, 1402
Tithe Composition (Ireland), 3R. *add. cl.* 289

Wilbraham, Mr. G.
Coroners, County, Com. *cl.* 6, 1461
Stafford and Rugby Railway, 2R. 318, 325

Wilde, Sir T. *see* Solicitor General, The

Williams, Mr. W.
Copyright of Designs, Report, 583
Education of the Working Classes, Com. moved for, 128
Property Tax, 559

Wilmot, Sir E.
Criminal Justice in Boroughs, 454
Poor Law Commission, Com. *cl.* 23, 801
Severn Navigation, 328

Winchilsea, Earl of
Corn Laws, 1376

Wines, French, Drawback on, c. 611

Winnington, Mr. H. J.
Severn Navigation, 328

Wood, Colonel T. (*Breconshire*).
County Coroners, Com. 589
Emigration of Females, 597
Poor Law Commission, Com. 46, 462, 477; *cl.* 10, Amend. 676, 681; *cl.* 17, 746; *cl.* 25, 830; *cl.* 26, 837; *cl.* 30, 840

Wood, Colonel T. (*Middlesex*).
Coroners, County, Com. *cl.* 6, 1459, 1461
Poor Law Commission, Com. *cl.* 15, 739

Wood, Mr. B.
Poor Law Commission, Com. *cl.* 1, Amend. 445, 449, 505; *cl.* 10, 677, 685; *cl.* 17, 746; *cl.* 23, 799, 802
South Western Railway, Report, 293

Wood, Mr. C.
Budget, The, 1369
Consolidated Fund, 460
Harbours on the South-East Coast, Com. moved for, 346
Poor Law Commision, 475; Com. *cl.* 4, 644
Registration of Voters (Ireland), 976; Com. *cl.* 1, 1100, 1109; *cl.* 2, 1187, 1205, 1206, 1241, 1268

Wood, Mr. G. W.
Petitions, Printing, 593
Poor Law Commission, Com. *cl.* 1, 446

Wood, Sir M.
Bridges, Waterloo, &c. 1161, 1165

Working Classes, Education of, see *Education*

Wrightson, Mr. W. B.
Absence, Leave of—Barristers, 75

Wynn, Rt. Hon. C. W.
Poor Law Commission, Com. *cl.* 2, 615; *cl.* 10, 676
Severn Navigation, 328

Yeomanry, c. 14, 34 [A. 49, N. 15, M. 34], 34

END OF VOLUME LVII.

LONDON: THOMAS CURSON HANSARD, PRINTER.